

**MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE  
MARICOPA COUNTY NONATTAINMENT AREA**

**COMMITMENTS FOR IMPLEMENTATION**

**VOLUME ONE**



## CHAPTER TEN

### COMMITMENTS FOR IMPLEMENTATION OF THE MAG 2007 FIVE PERCENT PLAN FOR PM-10

This Chapter, contained in an accompanying document, includes resolutions from the MAG member agencies and other implementing entities. The resolutions indicate specific commitments to implement various control strategies. Each jurisdiction determines which measures are feasible for implementation by that jurisdiction. Air quality legislation passed by the Arizona State Legislature is also included.

Generally, the authorities of cities and towns to implement the types of measures that they have committed to in their respective resolutions are provided under A.R.S. § 9-240 Powers of Common Council. The general authorities of the county to implement the measures in the commitments are provided under A.R.S. § 11-251 and A.R.S. § 49-478. Copies of these local and county government authorities are included in the commitments document of the Five Percent Plan.

Specifically, the commitments contain a description of the measure which will be implemented, the implementation schedule, authority of the entity for implementation, the financial resources necessary to put the measure in place, and the monitoring program designed to track implementation. The commitments document also contains the measures which the State, county, and local jurisdictions found not to be feasible and the corresponding rationale. Regulations and ordinances are also included.

It is important to note that all of the commitments received are in addition to the committed measures included in the Revised MAG 1999 Serious Area Particulate Plan for PM-10 and the ADEQ Salt River PM-10 State Implementation Plan Revision. The committed measures in the MAG 2007 Five Percent Plan for PM-10 are new committed measures above and beyond the measures in the prior PM-10 plans. The Five Percent Plan also includes measures from other Serious Areas which EPA may have determined to be Best Available Control Measures.

**MARICOPA ASSOCIATION OF GOVERNMENTS**

RESOLUTION TO ADOPT THE MAG 2007 FIVE PERCENT PLAN FOR PM-10  
FOR THE MARICOPA COUNTY NONATTAINMENT AREA

WHEREAS, the Maricopa Association of Governments (MAG) is a Council of Governments composed of twenty-five cities and towns within Maricopa County and the contiguous urbanized area, the County of Maricopa, the Gila River Indian Community, the Salt River Pima-Maricopa Indian Community, Fort McDowell Yavapai Nation, Arizona Department of Transportation, and Citizens Transportation Oversight Committee; and

WHEREAS, the Governor of Arizona designated MAG as the regional air quality planning agency and metropolitan planning organization for transportation in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by at least five percent per year until the standard is met; and

WHEREAS, MAG has prepared the Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area; and

WHEREAS, A.R.S. 49-406 H. requires that the governing body of the metropolitan planning organization adopt the nonattainment area plan.

NOW THEREFORE, BE IT RESOLVED BY THE MARICOPA ASSOCIATION OF GOVERNMENTS REGIONAL COUNCIL as follows:

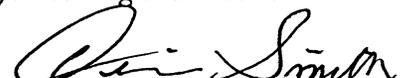
SECTION 1. That the MAG Regional Council adopts the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area which contains committed control measures from the State and local governments.

SECTION 2. That the MAG Regional Council further recommends implementation of the appropriate measures by the MAG cities and towns, Maricopa County, and the State of Arizona and authorizes the submission of the plan to the Arizona Department of Environmental Quality and the U.S. Environmental Protection Agency.

PASSED AND ADOPTED BY THE REGIONAL COUNCIL OF THE MARICOPA ASSOCIATION OF GOVERNMENTS THIS NINETEENTH DAY OF DECEMBER 2007.

  
James M. Cavanaugh, Chair  
MAG Regional Council

ATTEST:



Dennis Smith  
Executive Director

**CERTIFICATION OF ADOPTION OF THE  
MAG 2007 FIVE PERCENT PLAN FOR PM-10  
FOR THE MARICOPA COUNTY NONATTAINMENT AREA**

**An Excerpt from the December 19, 2007 MAG Regional Council Meeting Minutes**

Councilmember Peggy Neely moved to adopt the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area. Mayor Bob Barrett seconded, and the motion carried unanimously.

I certify that on December 19, 2007, the MAG Regional Council adopted the MAG 2007 Five Percent Plan for PM-10 for the Maricopa County Nonattainment Area.



Dennis Smith  
MAG Executive Director

12/00/07

Date



STATE OF ARIZONA  
EXECUTIVE OFFICE

FIFE SYMINGTON  
Governor

June 24, 1993

The Honorable Charles Hayes  
Chairman, MAG Regional Council  
1820 West Washington  
Phoenix, AZ 85007

Dear Mayor Hayes:

I concur with your May 10th letter--MAG should coordinate its aviation planning with the statewide aviation planning effort.

Please inform the Regional Council that I support their continuation as the Metropolitan Planning Organization. I believe the MAG Regional Aviation System Plan will do much to help your region of the state make decisions on airport improvements. I salute your process.

If you are not aware, however, my Regional Airport Feasibility Assessment (RAFA) was a statewide aviation planning effort. In the case of the RAFA, regional does not mean a limited area like MAG but means the Southwestern United States. My RAFA study was paid for by FAA funding and focused on the statewide issue of a new major airport facility to serve needs throughout Arizona and the entire Southwest within the next 20 to 30 years. It also considers long-term economic effects on the state. Your MAG RASP was also paid for by FAA funding but focused on 10 to 20 years of airport improvements in Maricopa County. As you can see, the two studies differ greatly in scope and substance.

REC'D JUN 29 1993

The Honorable Charles Hayes  
June 24, 1993  
Page Two

I notice that about a dozen of your MAG RASP Committee Members were also on my GRAAC Committee. It seems to me that this overlap of membership provides a good basis for the coordination you seek.

Thank you for your continued concern to keep Arizona's aviation industry viable and vital in the 21st century.

Sincerely,

A handwritten signature in black ink, appearing to read "Fife Symington". The signature is stylized with a large initial "F" and a long horizontal stroke.

Fife Symington  
GOVERNOR

FS/JL:me

cc: Joe Lane, Executive Assistant for the Governor  
Marvin Cohen, GRAAC Chairman  
Linda Brock-Nelson, GRAAC Vice Chairman  
GRAAC Committee Members  
MAG Regional Council

WESLEY BOLIN  
GOVERNOR

OFFICE OF THE GOVERNOR  
STATE HOUSE  
PHOENIX, ARIZONA 85007

IN REPLY  
REFER TO:

February 7, 1978

The Honorable Douglas M. Costle  
Administrator  
United States Environmental Protection Agency  
401 "M" Street, S.W.  
Washington, DC 20460

Dear Mr. Costle:

In accordance with Section 174(a) of the Clean Air Act as amended August 7, 1977, I hereby designate the Maricopa Association of Governments as the lead planning organization for Maricopa County, (Phoenix) Arizona and the Pima Association of Governments as the lead planning organization for Pima County, (Tucson) Arizona for the purpose of determining which elements of a revised Air Quality Implementation Plan will be planned, implemented and enforced by the State and local governments in Arizona. Attached are letters from each agency requesting such designations.

This action is required because national primary ambient air quality standards for carbon monoxide and photochemical oxidants will not be attained in metropolitan Phoenix and Tucson by July 1, 1979. Detailed agreements with the above organizations of elected officials of local governments and the State of Arizona are now being developed. These agreements will identify the responsibilities of each of the participants, i.e. the Maricopa Association of Governments, the Pima Association of Governments, the Maricopa County Health Department, and the Arizona Department of Health Services. Upon completion of such agreements, they will be certified by this office and forwarded to the U.S. Environmental Protection Agency.

Sincerely,



Wesley Bolin

WB:vabclm  
Attachments

cc: Suzanne Dandoy  
Bruce Scott  
G. Kenneth Driggs  
Thomas L. Swanson  
Paul De Falco, Jr.

1           49-404. State implementation plan  
2           A. THE DIRECTOR SHALL MAINTAIN A STATE IMPLEMENTATION PLAN THAT  
3 PROVIDES FOR IMPLEMENTATION, MAINTENANCE AND ENFORCEMENT OF NATIONAL  
4 AMBIENT AIR QUALITY STANDARDS AND PROTECTION OF VISIBILITY AS REQUIRED BY  
5 THE CLEAN AIR ACT.  
6           B. THE DIRECTOR MAY ADOPT RULES THAT DESCRIBE PROCEDURES FOR  
7 ADOPTION OF REVISIONS TO THE STATE IMPLEMENTATION PLAN.  
8           C. THE STATE IMPLEMENTATION PLAN AND ALL REVISIONS ADOPTED BEFORE  
9 THE EFFECTIVE DATE OF THIS ACT REMAIN IN EFFECT ACCORDING TO THEIR TERMS,  
10 EXCEPT TO THE EXTENT OTHERWISE PROVIDED BY THE CLEAN AIR ACT, INCONSISTENT  
11 WITH ANY PROVISION OF THE CLEAN AIR ACT, OR REVISED BY THE ADMINISTRATOR.  
12 NO CONTROL REQUIREMENT IN EFFECT, OR REQUIRED TO BE ADOPTED BY AN ORDER,  
13 SETTLEMENT AGREEMENT, OR PLAN IN EFFECT BEFORE THE ENACTMENT OF THE CLEAN  
14 AIR ACT IN ANY AREA WHICH IS A NONATTAINMENT AREA FOR ANY AIR POLLUTANT  
15 MAY BE MODIFIED AFTER ENACTMENT IN ANY MANNER UNLESS THE MODIFICATION  
16 INSURES EQUIVALENT OR GREATER EMISSION REDUCTIONS OF THE AIR POLLUTANT.  
17 THE DIRECTOR SHALL EVALUATE AND ADOPT REVISIONS TO THE PLAN IN CONFORMITY  
18 WITH FEDERAL REGULATIONS AND GUIDELINES PROMULGATED BY THE ADMINISTRATOR  
19 FOR THOSE PURPOSES UNTIL THE RULES REQUIRED BY SUBSECTION B ARE EFFECTIVE.  
20           49-405. Attainment area designations  
21           A. THE GOVERNOR MAY DESIGNATE THE STATUS AND CLASSIFICATION OF  
22 AREAS OF THIS STATE WITH RESPECT TO ATTAINMENT OF NATIONAL AMBIENT AIR  
23 QUALITY STANDARDS.  
24           B. THE DIRECTOR SHALL ADOPT RULES THAT BOTH:  
25           1. DESCRIBE THE GEOGRAPHIC EXTENT OF ATTAINMENT, NONATTAINMENT OR  
26 UNCLASSIFIABLE AREAS OF THIS STATE FOR ALL POLLUTANTS FOR WHICH A NATIONAL  
27 AMBIENT AIR QUALITY STANDARD EXISTS.  
28           2. ESTABLISH PROCEDURES AND CRITERIA FOR CHANGING THE DESIGNATIONS  
29 OF AREAS THAT INCLUDE ALL OF THE FOLLOWING:  
30           (a) TECHNICAL BASES FOR PROPOSED CHANGES, INCLUDING AMBIENT AIR  
31 QUALITY DATA, TYPES AND DISTRIBUTIONS OF SOURCES OF AIR POLLUTION,  
32 POPULATION DENSITY AND PROJECTED POPULATION GROWTH, TRANSPORTATION SYSTEM  
33 CHARACTERISTICS, TRAFFIC CONGESTION, PROJECTED INDUSTRIAL AND COMMERCIAL  
34 DEVELOPMENT, METEOROLOGY, POLLUTION TRANSPORT AND POLITICAL BOUNDARIES.  
35           (b) PROVISIONS FOR REVIEW OF AND PUBLIC COMMENT ON PROPOSED CHANGES  
36 TO AREA DESIGNATIONS.  
37           (c) ALL AREA DESIGNATIONS ADOPTED BY THE ADMINISTRATOR AS OF MAY  
38 30, 1992.  
39           49-406. Nonattainment area plan  
40           A. FOR ANY OZONE, CARBON MONOXIDE OR PARTICULATE NONATTAINMENT AREA  
41 THE GOVERNOR SHALL CERTIFY THE METROPOLITAN PLANNING ORGANIZATION  
42 DESIGNATED TO CONDUCT THE CONTINUING, COOPERATIVE AND COMPREHENSIVE  
43 TRANSPORTATION PLANNING PROCESS FOR THAT AREA UNDER 23 UNITED STATES CODE  
44 SECTION 134 AS THE AGENCY RESPONSIBLE FOR THE DEVELOPMENT OF A  
45 NONATTAINMENT AREA PLAN FOR THAT AREA.  
46           B. FOR ANY OZONE, CARBON MONOXIDE OR PARTICULATE NONATTAINMENT AREA  
47 FOR WHICH NO METROPOLITAN PLANNING ORGANIZATION EXISTS, THE DEPARTMENT

FUNDING FOR PM-10 CERTIFIED STREET SWEEPERS  
IN FY 2007, FY 2008, AND FY 2009 OF THE  
FY 2007-2011 MAG TRANSPORTATION IMPROVEMENT PROGRAM

- On July 26, 2006, the MAG Regional Council approved the FY 2007-2011 MAG Transportation Improvement Program including Congestion Mitigation and Air Quality Program funds for the purchase of PM-10 Certified Street Sweepers regionwide. In FY 2007, FY 2008, and FY 2009, the amount of federal funds available for the purchase of PM-10 Certified Street Sweepers is \$1,440,000, \$1,110,000, and \$1,210,000, respectively. On August 17, 2006, the U.S. Department of Transportation made a Finding of Conformity on the FY 2007-2011 MAG Transportation Improvement Program and Regional Transportation Plan 2006 Update.

## **MARICOPA ASSOCIATION OF GOVERNMENTS**

### **INFORMATION SUMMARY... for your review**

**DATE:**

July 18, 2006

**SUBJECT:**

Approval of the Draft FY 2007-2011 MAG Transportation Improvement Program

**SUMMARY:**

Each year MAG updates the Five Year Transportation Improvement Program (TIP), primarily by adding a fifth year. All federally funded projects and regionally significant transportation projects (include city and privately funded projects) must be included in the draft TIP for the purpose of meeting the air quality conformity analysis requirements. The Draft FY 2007-2011 MAG TIP was approved by the Regional Council, in April 2006, to undergo this analysis, which is now complete. A public hearing on the draft TIP was conducted on June 15, 2006. Since the public hearing, the Transportation Review and Management Committees have recommended approval of the Draft TIP, contingent upon a finding of conformity. During this recommendation process, there have several minor changes to projects that are contained in Errata Sheets 07-6, 07-7 and 07-8, and these are attached to this summary. The action taken by the Transportation Policy Committee on July 19, 2006, will be provided at your place.

**PUBLIC INPUT:**

Final phase public meeting input on the Draft FY 2007-2011 MAG TIP is included in the Final Phase Opportunity Report that will be discussed as a separate agenda item. There were no direct public comments during the TRC and Management Committee meetings during June and July, 2006.

**PROS & CONS:**

**PROS:** Approval of the TIP will help ensure the timely construction of regionwide construction projects.

**CONS:** Approval of the TIP indicates approval of the projects included.

**TECHNICAL & POLICY IMPLICATIONS:**

**TECHNICAL:** The TIP is a listing of projects that are scheduled for construction within the next five years. The current TIP is the FY 2006-2010 MAG TIP, which is valid under Federal rules until August 31, 2007. Approval of the FY 2007-2011 MAG TIP is required to validate construction of new projects in years 2007, 2008 and 2009.

**POLICY:** The TIP is developed with input from all MAG jurisdictions and incorporates controls to ensure fiscal constraint. A new TIP is approved each year to ensure maximum flexibility and to ensure compliance with Air Quality Regulations.

**ACTION NEEDED:**

Approval of the Draft FY 2007-2011 Transportation Improvement Program, together with the requested ADOT material cost increases, contingent upon a finding of conformity of the TIP and

Regional Transportation Plan - 2006 Update with applicable state and federal air quality implementation plans.

**PRIOR COMMITTEE ACTIONS:**

This item is on the July 19, 2006 Transportation Policy Committee agenda. An update will be provided on action taken by the Committee.

Management Committee: On July 12, 2006, the Management Committee unanimously recommended approval of the Draft FY 2007-2011 MAG TIP.

MEMBERS ATTENDING

- Jan Dolan, Scottsdale, Vice Chair
- #Janine Solley for George Hoffman, Apache Junction
- Charlie McClendon, Avondale
- Steve Borst, Buckeye
- \* Jon Pearson, Carefree
- \* Usama Abujbarah, Cave Creek
- Pat McDermott, Chandler
- Mark Fooks for B.J. Cornwall, El Mirage
- Alfonso Rodriguez for Orlando Moreno, Fort McDowell Yavapai Nation
- #Tim Pickering, Fountain Hills
- \* Lynn Farmer, Gila Bend
- Joseph Manuel, Gila River Indian Community
- George Pettit, Gilbert
- Horatio Skeete for Ed Beasley, Glendale
- Stephen Cleveland, Goodyear
- Mark Johnson, Guadalupe
- \* Darryl Crossman, Litchfield Park
- Jim Huling for Christopher Brady, Mesa
- \* Tom Martinsen, Paradise Valley
- \* Terry Ellis, Peoria
- Frank Fairbanks, Phoenix
- John Kross, Queen Creek
- \* Bryan Meyers, Salt River Pima-Maricopa Indian Community
- #Jim Rumpeltes, Surprise
- Amber Wakeman for Will Manley, Tempe
- \* Reyes Medrano, Tolleson
- Shane Dille, Wickenburg
- Vince Micallef, Youngtown
- Sam Elters for Victor Mendez, ADOT
- Mike Ellegood for David Smith, Maricopa County
- David Boggs, Valley Metro/RPTA

\* Those members neither present nor represented by proxy.  
#Attended by video-conference or by telephone conference call.

Transportation Review Committee: On June 29, 2006, the TRC unanimously recommended approval of the Draft FY 2007-2011 MAG TIP.

MEMBERS ATTENDING

- Maricopa County: Mike Ellegood, Chairman
- ADOT: Bill Hayden for Dan Lance
- Avondale: David Fitzhugh
- Buckeye: Scott Lowe
- Chandler: Patrice Kraus
- El Mirage: Mark Fooks for B.J. Cornwall
- Fountain Hills: Randy Harrel
- \* Gila Bend: Lynn Farmer
- \* Gilbert: Tami Ryall
- Glendale: Terry Johnson
- Goodyear: Cato Esquivel
- Guadalupe: Jim Ricker
- \* Litchfield Park: Mike Cartsonis
- Mesa: Jim Huling
- \* Paradise Valley: Robert M. Cicarelli
- Peoria: David Moody
- Phoenix: Don Herp for Tom Callow
- Queen Creek: Mark Young
- RPTA: Bryan Jungwirth
- Scottsdale: Mary O'Connor
- Surprise: Stephanie Wilson for Randy Overmyer
- Tempe: Carlos De Leon
- #Wickenburg: Shane Dille
- Valley Metro Rail: John Farry

EX-OFFICIO MEMBERS ATTENDING

- \* Regional Bike Task Force: Randi Alcott
- \* Street Committee: Darryl Crossman

- \* Pedestrian Working Group: Eric Iwersen
- \* ITS Committee: Alan Sanderson

\* Those members neither present nor represented by proxy.  
 #Attended by video-conference or by telephone conference call.

Regional Council: On April 26, 2006, the Regional Council approved the Draft FY 2007-2011 MAG TIP for an air quality conformity analysis.

**MEMBERS ATTENDING**

- Mayor Woody Thomas, Litchfield Park, Vice Chair
- Councilmember John Insalaco for Mayor Douglas Coleman, Apache Junction
- Mayor Marie Lopez-Rogers, Avondale
- Vice Mayor Chris Urwiller for Mayor Dusty Hull, Buckeye
- \* Mayor Edward Morgan, Carefree
- Vice Mayor Dick Esser, Cave Creek
- Mayor Boyd Dunn, Chandler
- Mayor Fred Waterman, El Mirage
- \* President Raphael Bear, Fort McDowell Yavapai Nation
- Vice Mayor Jay Schlum for Mayor Wally Nichols, Fountain Hills
- \* Mayor Daniel Birchfield, Gila Bend
- \* Governor William Rhodes, Gila River Indian Community
- Mayor Steven Berman, Gilbert
- Mayor Elaine Scruggs, Glendale
- Mayor James M. Cavanaugh, Goodyear
- \* Mayor Bernadette Jimenez, Guadalupe

- Supervisor Mary Rose Wilcox for Supervisor Max Wilson, Maricopa County
- Councilmember Mike Whalen for Mayor Keno Hawker, Mesa
- Councilmember Dan Schweiker for Mayor Ron Clarke, Paradise Valley
- Vice Mayor Bob Barrett for Mayor John Keegan, Peoria
- Councilmember Peggy Neely for Mayor Phil Gordon, Phoenix
- #Mayor Wendy Feldman-Kerr, Queen Creek
- \* President Joni Ramos, Salt River Pima-Maricopa Indian Community
- Mayor Mary Manross, Scottsdale
- Mayor Joan Shafer, Surprise
- \* Mayor Hugh Hallman, Tempe
- \* Mayor Adolfo Gamez, Tolleson
- +Mayor Ron Badowski, Wickenburg
- \* Mayor Bryan Hackbarth, Youngtown
- Joe Lane, ADOT
- Felipe Zubia, ADOT
- F. Rockne Arnett, Citizens Transportation Oversight Committee

\* Those members neither present nor represented by proxy.  
 # Attended by telephone conference call.  
 +Attended by videoconference call.

**CONTACT PERSON:**

Paul Ward, (602) 254-6300.

AMENDMENT TO THE  
FY 2007-2011 MAG TRANSPORTATION IMPROVEMENT PROGRAM FOR  
\$5 MILLION IN FY 2007 MAG FEDERAL FUNDS FOR PM-10 PAVING PROJECTS

- On May 23, 2007, the MAG Regional Council approved additional measures, including the allocation of \$5 million in FY 2007 MAG federal funds for PM-10 paving projects, for the Suggested List of Measures to Reduce PM-10 Particulate Matter.
- On July 25, 2007, the MAG Regional Council approved an amendment to the FY 2007-2011 MAG Transportation Improvement Program to include the Prioritized List of Proposed PM-10 Paving Projects for FY 2007 MAG Federal Funds (see attached table).

**Amendment of the FY 2007-2011 MAG Transportation Improvement Program to Include the  
Prioritized List of Proposed PM-10 Paving Projects for FY 2007 MAG Federal Funds  
Approved by MAG Regional Council on July 25, 2007**

Agency	Location	Work Type	FY	Length (miles)	Emission Reduction TOG(kg/day)	Emission Reduction NOX(kg/day)	Emission Reduction PM10(kg/day)	Emission Reduction Total(kg/day)	Cost Effectiveness (\$/met.ton)	Funds Requested
Buckeye	Various locations:Yuma Rd, Miller Rd	Road	2007	2.00	0.00	0.00	556.76	556.76	\$14	\$42,350
Goodyear	Various Locations: Chandler Heights Blvd, Queen Creek Rd, Rainbow Valley Rd	Road	2007	4.50	0.00	0.00	495.64	495.64	\$87	\$234,000
Phoenix/ Maricopa County+	Various locations	Road	2007	8.79	0.00	0.00	675.58	675.58	\$416	\$1,978,650
Glendale	Various locations: Camelback Rd, Litchfield Rd, Olive Ave, Greenway Rd, 83rd Ave, 75th Ave	Shoulder	2007	5.17	0.00	0.00	57.99	57.99	\$422	\$133,035
Queen Creek	Chandler Heights Rd: Power Rd to Hawes Rd	Shoulder	2007	1.50	0.00	0.00	43.68	43.68	\$471	\$111,691
Queen Creek	Hunt Highway: Power Rd to Ellsworth Rd	Shoulder	2007	3.00	0.00	0.00	68.07	68.07	\$554	\$204,893
Scottsdale	Dynamite Blvd: Pima Rd to Alma School Rd.	Install Vertical Curb /Gutter	2007	3.00	0.00	0.00	55.04	55.04	\$1,673	\$500,000
Buckeye	Various locations: MC 85/Monroe, Southern Ave, Apache Rd	Shoulder	2007	9.30	0.00	0.00	10.28	10.28	\$2,025	\$113,000
Phoenix/ Maricopa County+	Various locations	Shoulder	2007	12.10	0.00	0.00	81.08	81.08	\$4,494	\$1,525,304
									<b>Total</b>	<b>\$4,842,923</b>

\* An application was received from the Town of Wickenburg outside of the PM-10 Nonattainment Area.

+ Many of the proposed Phoenix/ Maricopa County paving projects are located within a four-mile radius of PM-10 monitors in the Salt River area.

**GENERAL POWERS OF LOCAL GOVERNMENTS  
AND COUNTIES FOR IMPLEMENTATION OF THE  
MEASURES REFLECTED IN THEIR COMMITMENTS**

ARS TITLE PAGE	NEXT DOCUMENT	PREVIOUS DOCUMENT
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9-240. General powers of common council

- A. The common council shall have control of the finances and property of the corporation.
- B. The common council shall also have power within the limits of the town:
1. To erect, purchase or lease necessary buildings for the purposes of the corporation.
  2. To appropriate money and provide for the payment of its debts and expenses.
  3. (a) To exercise exclusive control over the streets, alleys, avenues and sidewalks of the town and to give and change the names thereof.  
(b) To prevent and punish for the encumbering thereof, and to abate and remove all encumbrances and obstructions thereon.  
(c) To widen, extend, straighten, regulate, grade, clean or otherwise improve the same.  
(d) To open, lay out and improve new streets, avenues and alleys.  
(e) To vacate or abandon any street, avenue, alley, park, public place or sidewalk in such town or to abolish them, provided that rights-of-way or easements of existing sewer, gas, water or similar pipelines and appurtenances and for canals, laterals or ditches and appurtenances, and for electric, telephone, and similar lines and appurtenances shall continue as they existed prior to the vacating, abandonment, or abolishment thereof.  
(f) To protect the same from encroachment and injury.
  4. To erect and maintain bridges, culverts, sidewalks and crossways, and prevent and punish for injuries thereto or obstructions thereon.
  5. (a) To construct and maintain sewers and drains, and prevent and punish for any obstruction thereof, or thereto.  
(b) To change the channels of natural watercourses, to wall the same and cover them over, and regulate the same as sewers.  
(c) To prevent and punish for the filling up, altering or changing of natural watercourses by private persons.  
(d) To regulate the bridging of all millraces, irrigating and other ditches at the crossings of public highways, by the owners of such millraces and ditches, and after such bridge or ford is built according to the street commissioner's instructions, the crossing shall thereafter be a public charge.
  6. To provide the town with water, to construct public wells, cisterns and reservoirs in the streets and other public and private places within the town, or beyond the limits thereof, and to supply the same with pumps and conducting pipes or ditches.
  7. (a) To provide regulations for the prevention and extinguishment of fires.  
(b) To prevent the erection of wooden buildings within prescribed limits.  
(c) To regulate the construction of chimneys, furnaces and fireplaces.  
(d) To regulate the storage of explosives, tar, pitch, resin and other combustible or inflammable materials, and to prescribe the places and manner of storing the same.
  8. To provide for lighting the streets and other public places of the town, and to exclusively regulate and control the laying and repairing of gas pipes and other appurtenances therein.
  9. To provide for enclosing, improving and protecting the public grounds and cemeteries of the town, and to direct and regulate the planting of ornamental and shade trees therein and in the streets of the town.
  10. To establish markets and marketplaces for the town and to regulate the same.
  11. (a) To establish and maintain necessary cemeteries and burial places for the town beyond the limits thereof.  
(b) To regulate the burial of the dead.  
(c) To require a registration of the deaths and births, and to impose penalties upon physicians and surgeons

for any default in the premises.

12. To establish and regulate the police of the town, to appoint watchmen and policemen, and to remove them, and to prescribe their powers and duties.

13. To prevent, suppress and punish any riot, rout, affray, disorderly noise or disturbance in any public or private place within the town.

14. To prevent, suppress and punish racing or immoderate riding or driving through the streets.

15. (a) To prohibit and punish any amusements or practice tending to annoy or obstruct persons passing upon the streets or sidewalks, or frighten horses or other animals being ridden or driven thereon.

(b) To restrain and punish the ringing of bells, blowing of horns, crying of goods or other noises, performances and practices tending to cause the collection of persons upon the streets or sidewalks and the obstruction thereof.

16. (a) To prohibit the roaming at large of animals within the town.

(b) To authorize the impounding and summary sale thereof when found roaming at large contrary to ordinance.

(c) To impose penalties upon the owners thereof for a violation of any ordinance in relation thereto.

(d) To regulate, restrain and prohibit the running at large of dogs and to authorize their destruction when at large contrary to any ordinance of the town, and to impose penalties upon the owners thereof.

17. (a) To suppress and prohibit prostitution and unlawful sexual intercourse and to punish persons guilty thereof.

(b) To suppress and prohibit the operation of disorderly houses and to punish the owners, managers, lessees, agents, keepers and inmates thereof.

(c) To suppress and prohibit gambling and the operating of gambling houses and to punish the owners, managers and employees thereof and players at such games.

18. To fix the amount of license taxes to be paid by any person, firm, corporation or association for carrying on any business, game or amusement, calling, profession or occupation, and prescribe the method of collection or payment of the same, for a stated period in advance, and fix penalties for failure to comply by fine or imprisonment, or both. Nothing in this article shall be construed as authorizing any town or city to levy an occupational license or fee on any activity when the general law of the state precludes levying such a license or fee.

19. To authorize the clerk to issue licenses, to direct the manner of issuing and registering the same, and the fees of the clerk therefor. No license shall be granted for more than one year, and not less than ten dollars nor more than five thousand dollars shall be charged for any license so issued.

20. (a) To provide regulations to prevent the introduction or spread of contagious, loathsome or infectious diseases within the town.

(b) To make quarantine laws and enforce them within the town and within two miles thereof, and to provide pest houses and hospitals necessary therefor.

21. (a) To define, abate and remove nuisances, and punish persons committing nuisances.

(b) To compel the owner or any occupant of any house or premises to clean the grounds, stables, alleys, streets and walks appurtenant and adjacent thereto.

(c) To prohibit within the town and within two miles beyond the limits thereof slaughterhouses, tanneries, soap factories, establishments for the steaming or rendering of tallow, lard or offal, and all other establishments and places where any nauseous, offensive or unwholesome business may be carried on.

22. To perform other acts, and prescribe other regulations, which may be necessary or expedient for the prevention or suppression of disease.

23. To establish and maintain a workhouse or houses of correction, to make regulations for the government

thereof and to appoint the officers and keepers thereof.

24. To authorize the arrest and punishment of vagrants, stragglers and idle and disorderly persons found loitering or strolling about in public places, leading an immoral or profligate life, and to authorize the confinement of any such person, and persons who fail to pay any fine, in the workhouse or house of correction for a period not exceeding three months.

25. (a) To direct and control the laying and construction of railroad tracks, bridges, switches and sidetracks in the streets, alleys and other public places of the town.

(b) To require the same to be so laid and constructed as to interfere as little as possible with the ordinary travel and use of the streets, and other public places.

(c) To authorize the construction of tramways, electric, steam or cable roads and railways in the town, and to regulate the operation thereof, and the fares to be charged thereon and to require the owners thereof to keep in repair the streets wherein the same may be laid, and to construct and keep in repair all bridges, culverts, crossways, ditches and sewers.

(d) To regulate the speed of locomotives.

26. To levy taxes as hereinafter mentioned in this article.

27. To apply any surplus money in the treasury of the town to the extinguishment of the debt of the town, or to provide a sinking fund for that purpose.

28. (a) To make, amend or repeal all ordinances necessary or proper for the carrying into effect of the powers vested in the corporation, or any department or officer thereof.

(b) To enforce the observance of such ordinances, and to punish violations thereof by fine or imprisonment, or both, and by confinement at hard labor, in the discretion of the magistrate or court before whom a conviction may be had, but no fine shall be imposed exceeding two thousand five hundred dollars, nor imprisonment or confinement at hard labor exceeding six months.

(c) Unless specifically prohibited by statute, to classify ordinance violations as criminal or civil offenses.

29. To adopt ordinances for the government of the corporation, its officers and persons within its corporate limits needful for the good government and order of the municipalities, and to provide the manner of prosecution and define the punishment for the violation of such ordinance.

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#### 11-251. Powers of board

The board of supervisors, under such limitations and restrictions as are prescribed by law, may:

1. Supervise the official conduct of all county officers and officers of all districts and other subdivisions of the county charged with assessing, collecting, safekeeping, managing or disbursing the public revenues, see that such officers faithfully perform their duties and direct prosecutions for delinquencies, and, when necessary, require the officers to renew their official bonds, make reports and present their books and accounts for inspection.
2. Divide the counties into such districts or precincts as required by law, change them and create others as convenience requires.
3. Establish, abolish and change election precincts, appoint inspectors and judges of elections, canvass election returns, declare the result and issue certificates thereof.
4. Lay out, maintain, control and manage public roads, ferries and bridges within the county and levy such tax for that purpose as may be authorized by law.
5. Provide for the care and maintenance of the sick of the county, erect and maintain hospitals for that purpose and, in its discretion, provide a farm in connection with the county hospital and adopt ordinances for working the farm.
6. Provide suitable rooms for county purposes.
7. Purchase, receive by donation or lease real or personal property necessary for the use of the county prison and take care of, manage and control the property, but no purchase of real property shall be made unless the value has been previously estimated by three disinterested citizens of the county, appointed by the board for that purpose, and no more than the appraised value shall be paid for the property.
8. Cause to be erected and furnished a courthouse, jail and hospital and such other buildings as necessary, and construct and establish a branch jail, when necessary, at a point distant from the county seat.
9. Sell at public auction, after thirty days' previous notice given by publication in a newspaper of the county, stating the time and place of the auction, and convey to the highest bidder, for cash or contract of purchase extending not more than ten years from the date of sale and upon such terms and conditions and for such consideration as the board shall prescribe, any property belonging to the county that the board deems advantageous for the county to sell, or which the board deems unnecessary for use by the county, and shall pay the proceeds thereof into the county treasury for use of the county, except that personal property need not be sold but may be used as a trade-in on the purchase of personal property when the board deems this disposition of the personal property to be in the best interests of the county. When the property for sale is real property, the board shall have such property appraised by a qualified independent fee appraiser who has an office located in this state. The appraiser shall establish a minimum price, which shall not be less than ninety per cent of the appraised value. The notice regarding the sale of real property shall be published in the county where the property is situated and may be published in one or more other counties, and shall contain, among other things, the appraised value, the minimum acceptable sale price, and the common and legal description of the real property. Notwithstanding the requirement for a sale at public auction prescribed in this paragraph, a county, with unanimous consent of the board, without a public auction, may sell or lease any county property to any other duly constituted governmental entity, including the state, cities, towns and other counties. A county, with unanimous consent of the board, without public auction, may sell or lease any county property for a specific use to any solely charitable, social or benevolent nonprofit organization incorporated or operating in this state. A county may dispose of surplus equipment and materials that have little or no value or that are unauctionable in any manner authorized by the board.
10. Examine and exhibit the accounts of all officers having the care, management, collection or disbursement

- of money belonging to the county or appropriated by law or otherwise for the use and benefit of the county.
11. Examine, settle and allow all accounts legally chargeable against the county, order warrants to be drawn on the county treasurer for that purpose and provide for issuing the warrants.
  12. Levy such tax annually on the taxable property of the county as may be necessary to defray the general current expenses thereof, including salaries otherwise unprovided for, and levy such other taxes as are required to be levied by law.
  13. Equalize assessments.
  14. Direct and control the prosecution and defense of all actions to which the county is a party, and compromise them.
  15. Insure the county buildings in the name of and for the benefit of the county.
  16. Fill by appointment all vacancies occurring in county or precinct offices.
  17. Adopt provisions necessary to preserve the health of the county, and provide for the expenses thereof.
  18. With the approval of the department of health services, contract with any qualified person to provide all or part of the health services, funded through the department of health services with federal or state monies, that the board in its discretion extends to residents of the county.
  19. Contract for county printing and advertising, and provide books and stationery for county officers.
  20. Provide for rebinding county records, or, if necessary, the transcribing of county records.
  21. Make and enforce necessary rules and regulations for the government of its body, the preservation of order and the transaction of business.
  22. Adopt a seal for the board, a description and impression of which shall be filed by the clerk in the office of the county recorder and the secretary of state.
  23. Establish, maintain and conduct or aid in establishing, maintaining and conducting public aviation fields, purchase, receive by donation or lease any property necessary for that purpose, lease, at a nominal rental if desired, sell such aviation fields or property to the United States or any department, or sell or lease such aviation fields to a city, exchange lands acquired pursuant to this section for other lands, or act in conjunction with the United States in maintaining, managing and conducting all such property. If any such property or part of that property is not needed for these purposes, it shall be sold by the board and the proceeds shall be paid into the general fund of the county.
  24. Acquire and hold property for the use of county fairs, and conduct, take care of and manage them.
  25. Authorize the sheriff to offer a reward, not exceeding ten thousand dollars in one case, for information leading to the arrest and conviction of persons charged with crime.
  26. Contract for the transportation of insane persons to the state hospital or direct the sheriff to transport such persons. The county is responsible for such expense to the extent the expense is not covered by any third party payor.
  27. Provide for the reasonable expenses of burial for deceased indigents as provided in section 36-831 and maintain a permanent register of deceased indigents including name, age and date of death, and when burial occurs, the board shall mark the grave with a permanent marker giving the name, age, and date of birth, if known.
  28. Sell or grant to the United States the title or interest of the county in any toll road or toll train in or partly within a national park, upon such terms and consideration as may be agreed upon by the board and the secretary of the interior of the United States.
  29. Enter into agreements for acquiring rights-of-way, construction, reconstruction or maintenance of highways in their respective counties, including highways that pass through Indian reservations, with the government of the United States, acting through its duly authorized officers or agents pursuant to any act of Congress, except that the governing body of any Indian tribe whose lands are affected must consent to the

use of its land, and any such agreements entered into before June 26, 1952 are validated and confirmed.

30. Do and perform all other acts and things necessary to the full discharge of its duties as the legislative authority of the county government.

31. Make and enforce all local, police, sanitary and other regulations not in conflict with general law.

32. Budget for funds for foster home care during the school week for mentally retarded and otherwise handicapped children who reside within the county and attend a school for the handicapped in a city or town within such county.

33. Do and perform all acts necessary to enable the county to participate in the economic opportunity act of 1964 (P.L. 88-452; 78 Stat. 508), as amended.

34. Provide a plan or plans for its employees that provide tax deferred annuity and deferred compensation plans as authorized pursuant to title 26, United States Code. Such plans shall allow voluntary participation by all employees of the county. Participating employees shall authorize the board to make reductions in their remuneration as provided in an executed deferred compensation agreement.

35. Adopt and enforce standards for shielding and filtration of commercial or public outdoor portable or permanent light fixtures in proximity to astronomical or meteorological laboratories.

36. Subject to the prohibitions, restrictions and limitations as set forth in section 11-830, adopt and enforce standards for excavation, landfill and grading to prevent unnecessary loss from erosion, flooding and landslides.

37. Make and enforce necessary ordinances for the operation and licensing of any establishment not in the limits of an incorporated city or town in which is carried on the business of providing baths, showers or other forms of hydrotherapy or any service of manual massage of the human body.

38. Provide pecuniary compensation as salary or wages for overtime work performed by county employees, including those employees covered by title 23, chapter 2, article 9. In so providing, the board may establish salary and wage plans incorporating classifications and conditions prescribed by the federal fair labor standards act.

39. Establish, maintain and operate facilities that provide for physical evaluation, diagnosis and treatment of patients and that do not keep patients overnight as bed patients or treat patients under general anesthesia.

40. Enact ordinances under its police authority prescribing reasonable curfews in the entire unincorporated area or any area less than the entire unincorporated area of the county for minors and fines not to exceed the fine for a petty offense for violation of such ordinances. Nothing in this paragraph shall be construed to require a request from an association or a majority of the residents of an area before the board may enact an ordinance applicable to the entire or any portion of the unincorporated area. An ordinance enacted pursuant to this paragraph shall provide that a minor is not violating a curfew if the minor is accompanied by a parent, a guardian or an adult having supervisory custody, is on an emergency errand or has been specifically directed to the location on reasonable, legitimate business or some other activity by the parent, guardian or adult having supervisory custody. If no curfew ordinance is applicable to a particular unincorporated area of the county, the board may adopt a curfew ordinance on the request or petition of either:

(a) A homeowners' association that represents a majority of the homeowners in the area covered by the association and to which the curfew would apply.

(b) A majority of the residents of the area to which the curfew would apply.

41. Lease or sublease personal property owned by the county to other political subdivisions of this state to be used for a public purpose.

42. In addition to the agreements authorized by section 11-651, enter into long-term agreements for the purchase of personal property, provided that the board may cancel any such agreement at the end of a fiscal

year, at which time the seller may repossess the property and the agreement shall be deemed terminated.

43. Make and enforce necessary ordinances not in conflict with the laws of this state to regulate off-road recreational motor vehicles that are operated within the county on public lands without lawful authority or on private lands without the consent of the lawful owner or that generate air pollution. For the purposes of this paragraph, "off-road recreational motor vehicle" means three and four wheel vehicles manufactured for recreational nonhighway all terrain travel.

44. Acquire land for roads, drainage ways and other public purposes by exchange without public auction, except that notice shall be published thirty days before the exchange, listing the property ownership and descriptions.

45. Purchase real property for public purposes, provided that final payment shall be made not later than five years after the date of purchase.

46. Lease-purchase real property and improvements for real property for public purposes, provided that final payment shall be made not later than twenty-five years after the date of purchase. Any increase in the final payment date from fifteen years up to the maximum of twenty-five years shall be made only on unanimous approval by the board of supervisors.

47. Make and enforce ordinances for the protection and disposition of domestic animals subject to inhumane, unhealthful or dangerous conditions or circumstances. An ordinance enacted pursuant to this paragraph shall not restrict or limit the authority of the game and fish commission to regulate the taking of wildlife. For the purposes of this paragraph, "domestic animal" means an animal kept as a pet and not primarily for economic purposes.

48. If a part of a parcel of land is to be taken for roads, drainage, flood control or other public purposes and the board and the affected property owner determine that the remainder will be left in such a condition as to give rise to a claim or litigation concerning severance or other damage, acquire the whole parcel by purchase, donation, dedication, exchange, condemnation or other lawful means, and the remainder may be sold or exchanged for other properties needed for any public purpose.

49. Make and enforce necessary rules providing for the reimbursement of travel and subsistence expenses of members of county boards, commissions and advisory committees when acting in the performance of their duties, if the board, commission or advisory committee is authorized or required by federal or state law or county ordinance, and the members serve without compensation.

50. Provide a plan or plans for county employee benefits that allow for participation in a cafeteria plan that meets the requirements of the United States internal revenue code of 1986.

51. Provide for fringe benefits for county employees, including sick leave, personal leave, vacation and holiday pay and jury duty pay.

52. Make and enforce ordinances that are more restrictive than state requirements to reduce or encourage the reduction of carbon monoxide and ozone levels, provided an ordinance does not establish a standard for vehicular emissions, including ordinances to reduce or encourage the reduction of the commuter use of motor vehicles by employees of the county and employees whose place of employment is in unincorporated areas of the county.

53. Make and enforce ordinances to provide for the reimbursement of up to one hundred per cent of the cost to county employees of public bus or van pool transportation to and from their place of employment.

54. Lease for public purposes any real property, improvements for real property and personal property under the same terms and conditions, to the extent applicable, as are specified in sections 11-651 and 11-653 for lease-purchases.

55. Enact ordinances prescribing regulation of alarm systems and providing for civil penalties to reduce the incidence of false alarms at business and residential structures relating to burglary, robbery, fire and other

emergencies not within the limits of an incorporated city or town.

56. In addition to paragraph 9 of this section, and notwithstanding section 23-504, sell or dispose of, at no less than fair market value, county personal property that the board deems no longer useful or necessary through a retail outlet or to another government entity if the personal property has a fair market value of no more than one thousand dollars, or by retail sale or private bid, if the personal property has a fair market value of no more than fifteen thousand dollars. Notice of sales in excess of one thousand dollars shall include a description and sale price of each item and shall be published in a newspaper of general circulation in the county, and for thirty days after notice other bids may be submitted that exceed the sale price by at least five per cent. The county shall select the highest bid received at the end of the thirty day period.

57. Sell services, souvenirs, sundry items or informational publications that are uniquely prepared for use by the public and by employees and license and sell information systems and intellectual property developed from county resources that the county is not obligated to provide as a public record.

58. On unanimous consent of the board of supervisors, license, lease or sell any county property pursuant to paragraphs 56 and 57 of this section at less than fair market value to any other governmental entity, including this state, cities, towns, public improvement districts or other counties within or outside of this state, or for a specific purpose to any charitable, social or benevolent nonprofit organization incorporated or operating in this state.

59. On unanimous consent of the board of supervisors, provide technical assistance and related services to a fire district pursuant to an intergovernmental agreement.

60. Adopt contracting procedures for the operation of a county health system pursuant to section 11-291. Before the adoption of contracting procedures the board shall hold a public hearing. The board shall publish one notification in a newspaper of general circulation in the county seat at least fifteen days before the hearing.

61. Enter into an intergovernmental agreement pursuant to chapter 7, article 3 of this title for a city or town to provide emergency fire or emergency medical services pursuant to section 9-500.23 to a county island as defined in section 11-251.12. The board may charge the owners of record in the county island a fee to cover the cost of an intergovernmental agreement that provides fire and emergency medical services.

62. In counties that employ or have designated an animal control county enforcement agent pursuant to section 11-1005, enter into agreements with foundations or charitable organizations to solicit donations, property or services, excluding enforcement or inspection services, for use by the county enforcement agent solely to perform nonmandated services and to fund capital improvements for county animal control, subject to annual financial and performance audits by an independent party as designated by the county board of supervisors. For the purposes of this paragraph, nonmandated services are limited to low cost spay and neuter services, public education and outreach efforts, pet adoption efforts, care for pets that are victims of cruelty or neglect and support for volunteer programs.

63. Adopt ordinances prohibiting open fires and campfires on lands in the unincorporated areas of the county that are private property islands within the boundaries of a national forest or united states bureau of land management or state land holdings, if such a prohibition has been declared by a national forest, the united states bureau of land management or the state forester.

64. Fix the amount of license fees to be paid by any person, firm, corporation or association for carrying on any game or amusement business in unincorporated areas of the county and prescribe the method of collection or payment of those fees, for a stated period in advance, and fix penalties for failure to comply by fine. Nothing in this article shall be construed as authorizing any county to require an occupational license or fee for any activity if state law precludes requiring such a license or fee.

65. Adopt and enforce ordinances for the prevention, abatement and removal of graffiti, providing that any

restrictions on the retail display of potential graffiti tools be limited to any of the following:

(a) In a place that is in the line of sight of a cashier or in the line of sight from a work station normally continuously occupied during business hours.

(b) In a manner that makes the product accessible to a patron of the business establishment only with the assistance of an employee of the establishment.

(c) In an area electronically protected, or viewed by surveillance equipment that is monitored, during business hours.

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11-251.01. Conveyance to nonprofit housing corporation

The board of supervisors may convey any land and improvements thereon owned by the county directly and without compliance with the provisions of paragraph 9 of section 11-251 to a nonprofit corporation which operates housing units limited to those which are federally financed or sponsored. Such title so conveyed shall remain with the nonprofit corporation until such time as the bonded indebtedness incurred and due to the United States government or an agency thereof, is paid and at which time title to such land and the improvements thereon shall revert to the county.

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11-251.02. Additional powers of the board

The board of supervisors may:

1. Authorize the use of county personnel, facilities, equipment, supplies and other resources in search or rescue operations involving the life or health of any person.
2. Contract for the acquisition, rental or hire of equipment, services, services supervision, supplies and other resources for use in such search or rescue operations.
3. Contract with an ambulance service provider that has a certificate of necessity issued pursuant to title 36, chapter 21.1, article 2 to provide ambulance service in the rural or wilderness service areas in counties with a population of less than five hundred thousand persons.

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11-251.03. Records center; contents; open to inspection

A. The board of supervisors may establish a central records center for the preservation, storage and handling of all records required by law to be kept by county officers and justices of the peace.

B. In any county having a central records center, all county officers and justices of the peace shall deliver to the board of supervisors public records in their custody that are:

1. Required by law to be kept.
2. Of legal, administrative, historical or other value as determined pursuant to section 41-1351.
3. Required to be delivered by the rules adopted by the director of the Arizona state library, archives and public records.

C. County officers and justices of the peace may make and retain copies of records necessary for those officers to perform the duties of their office.

D. Public records in a central records center shall be open to public inspection and be preserved in the manner prescribed by law.

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11-251.04. Authority to set rates for private towing carrier; definition; violation; classification

A. Except as provided in subsection B of this section, the board of supervisors may regulate the maximum rate and charge for towing, transporting or impounding a motor vehicle from private property without the permission of the owner or operator of the vehicle by any private towing carriers doing business within the boundaries of the county. A private towing carrier is subject to the maximum rate and charge regulation prescribed by the board of supervisors for all such towing, transporting or impounding services if the vehicle being towed or transported is towed from private property located on property that lies within the boundaries of the county.

B. The provisions of subsection A of this section shall not apply to the towing, transporting or impounding of a motor vehicle from private property without the permission of the owner or operator of the vehicle by a private towing carrier where the vehicle being towed or transported is towed or transported from property that lies within the boundaries of an incorporated city or town that has regulated such towing, transporting or impounding pursuant to section 9-499.05.

C. It is unlawful for a private towing carrier to tow or transport a motor vehicle from private property without the permission of the owner or operator of the motor vehicle unless such private towing carrier receives a request from a law enforcement agency or the express written permission from the owner or the agent of the owner of the property. The owner or his agent shall either sign each towing order or authorize the tow by a written contract which is valid for a specific length of time. The private towing carrier may not act as the agent of the owner.

D. A person who violates subsection C is guilty of a class 2 misdemeanor.

E. This section shall apply only to services performed while a person is actually engaged in the activities of a private towing carrier.

F. For the purposes of this section, "private towing carrier" means any person who commercially offers services to tow, transport or impound motor vehicles from private property without the permission of the owner or operator of the vehicle by use of a truck or other vehicle designed for or adapted to that purpose.

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11-251.05. Ordinances

A. The board of supervisors may:

1. In the conduct of county business, adopt, amend and repeal all ordinances necessary or proper to carry out the duties, responsibilities and functions of the county which are not otherwise specifically limited by section 11-251 or any other law or in conflict with any rule or law of this state.
2. Prescribe punishment by fine or imprisonment, or both, for the violation of an ordinance adopted pursuant to paragraph 1 of this subsection. A fine or imprisonment shall not exceed the maximum limitations for a class 1 misdemeanor.

B. Ordinance authority under subsection A of this section shall be in addition to and preemptive of ordinance, rule making or regulatory authority of any other county board or county commission. A county may not impose taxes except as otherwise provided by law and as specified in section 11-251.

C. Prior to adoption, amendment or repeal of an ordinance under this section, the board of supervisors shall hold a public hearing thereon at least fifteen days' notice of which shall be given by one publication in a newspaper of general circulation in the county seat. After adopted or amended, the ordinance shall be published at least once in a newspaper of general circulation in the county seat.

D. An ordinance adopted under this section may apply to the unincorporated and incorporated areas in the county if the ordinance is not in conflict with an existing city or town ordinance or state law or otherwise regulated by the state. If the ordinance is intended to apply to any incorporated area of the county, prior to the ordinance becoming effective within the boundaries of a city or town, the city or town council shall consider the ordinance and, if the council finds that the subject matter of the ordinance is not either a matter of local concern or governed by an existing city or town ordinance, the council shall approve by resolution the application or enforcement of such ordinance within the boundaries of the city or town. Upon thirty days' notice to the county, a city or town council may rescind such approval by resolution if the subject matter of the ordinance is governed or to be governed by a city or town ordinance. An ordinance may apply to the unincorporated areas of the county, to part or parts of such areas or to a combination of incorporated and unincorporated areas of the county, as the board deems appropriate and subject to the approval of a city or town as specified in this subsection.

E. Nothing contained in this section shall be construed to prohibit a county from exercising such powers and authority as are granted under other provisions of state law.

11-251.06. Reimbursement for county services to special districts

A. Notwithstanding any other statute, the board of supervisors may require the following special districts to reimburse the county for the cost of services provided to the special districts:

1. Antinoxious weed districts formed pursuant to title 48, chapter 2.
2. Pest control districts formed pursuant to title 48, chapter 3.
3. County improvement districts formed pursuant to title 48, chapter 6.
4. County improvement districts for lighting formed pursuant to sections 48-960 and 48-961.
5. Domestic water improvement districts formed pursuant to title 48, chapter 6, article 4.
6. County television improvement districts formed pursuant to title 48, chapter 7.
7. Community park maintenance districts formed pursuant to title 48, chapter 8.
8. Special road districts formed pursuant to title 48, chapter 10.
9. Power districts formed pursuant to title 48, chapter 11.
10. Electrical districts formed pursuant to title 48, chapter 12.
11. Hospital districts formed pursuant to title 48, chapter 13.
12. Sanitary districts formed pursuant to title 48, chapter 14.
13. Pest abatement districts formed pursuant to title 48, chapter 15.
14. Health service districts formed pursuant to title 48, chapter 16.
15. Agricultural improvement districts formed pursuant to title 48, chapter 17.
16. Drainage and flood protection districts formed pursuant to title 48, chapter 18.
17. Irrigation and water conservation districts formed pursuant to title 48, chapter 19.
18. Irrigation water delivery districts formed pursuant to title 48, chapter 20.
19. County flood control districts formed pursuant to title 48, chapter 21.
20. Multi-county water conservation districts formed pursuant to title 48, chapter 22.
21. County jail districts formed pursuant to title 48, chapter 25.

B. Fire districts formed pursuant to title 48, chapter 5 shall reimburse the county for the actual costs of organization, reorganization, boundary changes, election services, use of the county attorney and other services provided by the assessor and treasurer directly associated with county services provided to fire districts.

C. The board of supervisors shall establish a schedule for reimbursement of county services and shall distribute this schedule to the special districts prior to providing any service named in the schedule. The schedule may include charges to newly organized special taxing districts for county services rendered to these districts before and during organization. The reimbursement schedule shall not exceed the actual costs for the services provided by the county.

D. If the board of supervisors requires reimbursement for county services pursuant to subsections A and C of this section, the governing body of a special district listed in subsection A of this section may elect to perform for itself any of the services provided by the county in lieu of reimbursement, except election and financial services provided by the county.

E. Subsection D of this section does not authorize the governing body of any of the named special districts to levy any additional taxes not otherwise specified by statute.

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11-251.08. County fee for service authority; alternate fee schedule; fee limits; adoption procedures

A. In addition to any other county power or authority the board of supervisors may adopt fee schedules for any specific products and services the county provides to the public. Notwithstanding fee schedules or individual charges in statute, a board of supervisors may adopt an additional charge or separate individual charge.

B. Any fee or charge established pursuant to this section must be attributable to and defray or cover the expense of the product or service for which the fee or charge is assessed. A fee or charge shall not exceed the actual cost of the product or service.

C. Before adoption of a fee for service or an additional or separate charge pursuant to this section, the board of supervisors shall hold a public hearing on the issue with at least fifteen days' published notice.

D. Nothing in this section shall apply to products and services provided to cities and towns.

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11-251.09. Enforcement of water conservation plumbing requirements

A. The board of supervisors may designate an appropriate official to enforce, in unincorporated areas of the county, all or a portion of title 45, chapter 1, article 12, relating to water conservation plumbing requirements. If the board of supervisors designates an official pursuant to this subsection, it shall notify the department of water resources, in writing, of its intent to do so. An election under this subsection divests the department of water resources of jurisdiction to enforce those provisions except that the department may enforce those provisions against any person who manufactures or distributes to a wholesaler or retailer any plumbing fixture for use in this state.

B. The county may retain the revenues from all civil penalties and assessments collected by the county under this section and title 45, chapter 1, article 12 as reimbursement for the cost of past enforcement actions and to fund future enforcement efforts.

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11-251.10. Conveyance or lease; affordable housing; agreement; recording

A. If a board of supervisors determines that any real property or interest in the real property owned, or to be purchased, by a county can be used to provide affordable housing for persons and families of low income as determined by the United States department of housing and urban development and that this use is in the county's best interests, the county may sell, lease, exchange, quitclaim, convey or otherwise dispose of the real property or interest in the real property at less than fair market value, or purchase an interest in the real property, to provide affordable housing without holding a public auction and for less than the fair market value as required by section 11-256.

B. Dwelling units provided for persons and families of low income under this section shall be restricted by regulatory agreement to remain continually affordable to low income persons and families for the longest feasible time, but not less than thirty years, pursuant to a method prescribed by the county.

C. The regulatory agreement shall contain a provision making the covenants and conditions of the agreement binding on a successor in interest and shall be recorded in the office of the county recorder of the county in which the housing development is located.

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11-251.11. Appointed county officers; severance pay

The board of supervisors may provide severance pay for appointed county officers by ordinance or by contract with an individual officer.

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11-251.12. County islands; fire and emergency services protection; intergovernmental agreement with municipalities; definition

A. A county that has a population of more than one million five hundred thousand persons and that has a county island that does not form a county island fire district may enter into an intergovernmental agreement with a municipality or municipalities for fire protection and emergency medical services in that county island. Notwithstanding any other law, a county is liable if the county was negligent in enforcing building, zoning or other related codes in a county island and a municipality that has an intergovernmental agreement to provide fire and emergency medical services pursuant to this section is hindered in responding to an emergency because of a building, zoning or other related code issue.

B. If a municipality elects to provide fire and emergency medical services in a county island where a private provider of fire or emergency services already has facilities or provides service, the municipality and the private provider shall enter into an agreement covering the roles and relationships regarding mutual aid or backup agreements and any services for which the municipality wishes to contract and any reimbursement or billing and collection practices. The agreement shall be executed before the municipality commences providing service in the county island. No agreement is required if the private provider notifies the municipality that it will cease service in the county island within one hundred eighty days after the date the municipality commences providing service.

C. Any private provider of fire or emergency medical services or both that is providing services in a county island shall provide notice of termination of services to those residents receiving services. The private provider shall provide that notice at least twelve months before termination or withdrawal of those services.

D. For the purposes of this article, "county island" means unincorporated territory that is surrounded on all sides by a municipality or where the unincorporated territory that has borders that involve a combination of a municipality or municipalities and an Indian reservation.

<b>ARS TITLE PAGE</b>	<b>NEXT DOCUMENT</b>	<b>PREVIOUS DOCUMENT</b>
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49-478. Hearing board

- A. The board of supervisors shall appoint an air pollution hearing board.
- B. The hearing board shall consist of five members. The five members shall be knowledgeable in the field of air pollution. At least one member of the board shall be an attorney licensed to practice law in this state. At least three members shall not have a substantial interest, as defined in section 38-502, in any person required to obtain a permit pursuant to this article. Each board member shall serve for a term of three years.
- C. The hearing board shall select a chairman and vice-chairman and such other officers as it deems necessary.
- D. The board of supervisors may authorize compensation for hearing board members, and may authorize reimbursement for subsistence and travel, including travel from and to their respective places of residence when on official business.

<b>ARS TITLE PAGE</b>	<b>NEXT DOCUMENT</b>	<b>PREVIOUS DOCUMENT</b>
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49-479. Rules; hearing

A. The board of supervisors shall adopt such rules as it determines are necessary and feasible to control the release into the atmosphere of air contaminants originating within the territorial limits of the county or multi-county air quality control region in order to control air pollution, which rules, except as provided in subsection C shall contain standards at least equal to or more restrictive than those adopted by the director. In fixing such standards, the board or region shall give consideration but shall not be limited to:

1. The latest scientific knowledge useful in indicating the kind and extent of all identifiable effects on health and welfare which may be expected from the presence of an air pollution agent, or combination of agents in the ambient air, in varying quantities.

2. Atmosphere conditions and the types of air pollution agent or agents which, when present in the atmosphere, may interact with another agent or agents to produce an adverse effect on public health and welfare.

3. Securing, to the greatest degree practicable, the enjoyment of the natural attractions of the state and the comfort and convenience of the inhabitants.

B. No rule may be enacted or amended except after the board of supervisors first holds a public hearing after twenty days' notice of such hearing. The proposed rule, or any proposed amendment of a rule, shall be made available to the public at the time of notice of such hearing.

C. A county may adopt or amend a rule, emission standard, or standard of performance that is as stringent or more stringent than a rule, emission standard or standard of performance for similar sources adopted by the director only if the county complies with the applicable provisions of section 49-112.

D. All rules enacted pursuant to this section shall be made available to the public at a reasonable charge upon request.

<b>ARS TITLE PAGE</b>	<b>NEXT DOCUMENT</b>	<b>PREVIOUS DOCUMENT</b>
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49-480. Permits; fees

A. The board of supervisors may adopt a program for the review, issuance, revision, administration and enforcement of permits and for public review of proposed permits for sources that are subject to section 49-426, subsection A, that are not under the jurisdiction of the state pursuant to section 49-402 and that are not otherwise exempt pursuant to section 49-426, subsection B and subsection K of this section. This program shall include provisions for administration, inspection and enforcement of general permits issued pursuant to section 49-426, subsection H and subsection J of this section.

B. Procedures for the review, issuance, revision and administration of permits issued pursuant to this section and required to be obtained pursuant to title V of the clean air act including sources that emit hazardous air pollutants shall be substantially identical to procedures for the review, issuance, revision and administration of permits issued by the department under this chapter. Such procedures shall comply with the requirements of sections 165, 173 and 408 and titles III and V of the clean air act and implementing regulations for sources subject to titles III and V of the clean air act. Procedures for the review, issuance, revision and administration of permits issued pursuant to this section and not required to be obtained pursuant to title V of the clean air act shall impose no greater procedural burden on the permit applicant than procedures for the review, issuance, revision and administration of permits issued by the department under sections 49-426 and 49-426.01 and other applicable provisions of this chapter.

C. Upon adoption of a permit program by the board of supervisors pursuant to this section, no person may begin actual construction, operate or make a modification to any source subject to the permit program without complying with the requirements of that program.

D. Permits issued pursuant to a program adopted under this section are subject to payment of a reasonable fee to be determined as follows:

1. For any source required to obtain a permit under title V of the clean air act, the board of supervisors shall establish by rule a system of fees consistent with and equivalent to that prescribed under section 502 of the clean air act. Such system shall prescribe procedures for increasing the fee each year by the percentage, if any by which the consumer price index for the most recent calendar year ending before the beginning of such year exceeds the consumer price index for the calendar year 1989.

2. For any facility subject to the permitting requirements of this chapter but not required to obtain a permit under title V of the clean air act, the board of supervisors shall determine a permit fee based on all reasonable direct and indirect costs required to administer the permit, but not exceeding twenty-five thousand dollars.

The board of supervisors shall establish an annual inspection fee, not to exceed the average cost of services.

E. Funds received for permits issued pursuant to this section shall be deposited in a special public health fund and shall be used by the control officer to defray the costs of implementing this article.

F. Permits issued pursuant to this section for a source required to obtain a permit under title V of the clean air act shall, and for a source that is not required to obtain a title V permit may, contain all of the following:

1. Conditions reflecting all applicable requirements of this article and rules adopted pursuant to this article.
2. Enforceable emission limitations and standards.
3. A schedule for compliance, if applicable.
4. The requirement to submit at least every six months the results of any required monitoring.
5. Any other conditions that are necessary to assure compliance with this article and the clean air act, including the applicable implementation plan.

G. The control officer may refuse to issue any permit to any source subject to the requirements of title V of the clean air act if the administrator objects to its issuance in a timely manner as prescribed under title V of

the act.

H. In the case of a permit with a term of three or more years issued pursuant to the requirements of title V of the clean air act to a major source, the control officer shall require revisions to the permit to incorporate applicable standards and regulations adopted by the administrator pursuant to the clean air act after the issuance of the permit. The control officer shall require any revisions as expeditiously as practicable but not later than eighteen months after the promulgation of such standards and regulations. No permit revision shall be required if the effective date of the standards and regulations is after the expiration of the permit. Any permit revision required pursuant to this subsection shall be treated as a permit renewal.

I. Except as provided in section 49-426, subsection B and subsection A of this section, any person burning used oil, used oil fuel, hazardous waste or hazardous waste fuel in any machine, incinerator or device shall first obtain a permit from the control officer. Any permit issued by the control officer under this subsection shall contain, at a minimum, conditions governing:

1. Limitations on the types, amounts and feed rates of used oil, used oil fuel, hazardous waste or hazardous waste fuel which may be burned.
2. The frequency and types of fuel testing to be conducted by the person.
3. The frequency and type of emissions testing or monitoring to be conducted by the person.
4. Requirements for record keeping and reporting.
5. Numeric emission limitations expressed in pounds per hour and tons per year for air contaminants to be emitted from the facility burning used oil, used oil fuel, hazardous waste or hazardous waste fuel.

J. The board of supervisors may authorize by rule the control officer to issue a general permit for a defined class of facilities if that class of facilities has not been issued a general permit by the director for sources in that county pursuant to section 49-426, subsection H. The criteria for issuance of a general permit are those applicable to the director pursuant to section 49-426, subsection G.

K. The board of supervisors may identify by rule sources or classifications of sources for which a permit is not required and pollutant-emitting activities and emissions units at permitted sources that are not subject to inclusion in the permit. The criteria for exemptions granted pursuant to this subsection are those applicable to exemptions granted by the director pursuant to section 49-426, subsection B.

L. In determining whether a permitting threshold established pursuant to this section applies to an existing source, the control officer shall exclude particulate matter that is not subject to a national ambient air quality standard under the clean air act.

M. The board of supervisors may adopt a rule or ordinance that establishes less burdensome permit procedures and requirements for permits that are not required to be obtained pursuant to title V of the clean air act. Until the effective date of a rule or ordinance adopted by a board of supervisors pursuant to this section, the control officer, either on the control officer's own initiative or on the request of a permit applicant, may waive requirements that are not appropriate for non-title V sources.

**CITY OF APACHE JUNCTION**



# *City of Apache Junction*

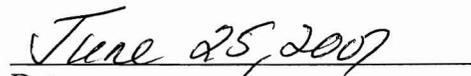
*Home of the Superstition Mountains*

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## CERTIFICATE

I certify that I am the duly appointed, qualified, and acting City Clerk of the City of Apache Junction, Arizona; that as such, I have in my possession all of the resolutions as adopted by the City Council of the City of Apache Junction, Arizona; and that the attached is a true and correct copy of Resolution No. 07-22 which was presented to and adopted by the City Council on June 19, 2007, as it appears in my records.

  
Kathleen Connelly  
City Clerk

  
Date

Maricopa Association of Governments  
Received

**JUN 29 2007**

RESOLUTION NO. 07-22

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, IMPLEMENTING MEASURES OF THE MARICOPA ASSOCIATION OF GOVERNMENTS 2007 FIVE PERCENT PLAN TO REDUCE PM-10 IN THE MARICOPA COUNTY NONATTAINMENT AREA.

WHEREAS, the Maricopa Association of Governments ("MAG") has been designated by the Governor of Arizona as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for particulate matter ("PM"-10) according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

WHEREAS, pursuant to Arizona Revised Statutes § 49-406(G), each agency that commits to implement a control measure shall describe such commitment in a resolution adopted by the governing body which shall include: 1) its authority for implementing the measure; 2) a program for enforcement of the measures; and 3) the level of personnel and funding allocated to the implementation of the measure.

WHEREAS, the City of Apache Junction has been included in the Maricopa County nonattainment area A relating to national ambient air quality standards as declared by the State.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF APACHE JUNCTION as follows:

SECTION 1. That the Mayor and Council of the City of Apache Junction agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this Resolution.

SECTION 2. That the Mayor and Council of the City of Apache Junction commits to implement the measures as scheduled and with the funding sources identified; recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, and the City agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

PASSED AND ADOPTED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF APACHE JUNCTION, ARIZONA, THIS 19TH DAY OF JUNE, 2007.

SIGNED AND ATTESTED TO THIS 19TH DAY OF JUNE, 2007.

  
\_\_\_\_\_  
JOHN INSALACO  
Mayor

ATTEST:

  
\_\_\_\_\_  
KATHLEEN CONNELLY  
City Clerk

APPROVED AS TO FORM:

 6-12-07  
\_\_\_\_\_  
RICHARD J. STERN  
City Attorney

RESOLUTION NO. 07-22

PAGE 2 OF 2

## Exhibit A

### CITY OF APACHE JUNCTION MAG 2007 FIVE PERCENT PLAN TO REDUCE PM-10 PARTICULATE POLLUTION

**Measure Title:** Public education and outreach with assistance from local governments.

**Measure Description:** The City of Apache Junction will implement a publicity campaign that will increase public awareness of the PM-10 problem and discourage citizens from participating in activities that generate airborne dust. The campaign will include:

- A. Gathering and providing educational materials to the public at City buildings.
- B. Making educational materials available to the public at scheduled neighborhood meetings.
- C. Disseminating air quality educational material and links on City website.

**Responsible Agency and Authority for Implementation:** This measure will be implemented by the City of Apache Junction Public Works and Management Services Department. Legal authority for this action is provided under A.R.S. Section 9-240(B).

**Implementation Schedule:**

1. August 1, 2007 - Gathering of educational materials completed.
2. September 1, 2007 - Making air quality educational materials and links available on City website.
3. October 1, 2007 - Disseminating educational material to City buildings and at scheduled neighborhood meetings.

**Level of Personnel and Funding Allocated for Implementation:** It is estimated that preparation of the educational materials, website and distribution leading to the implementation of this measure will require a staff time equivalent to 0.10 FTE, at a cost of \$6,000. This will be accomplished by current department personnel under the adopted city budget for FY 07-08. The ongoing cost of administration and materials after startup is estimated at \$2,000 and will be accomplished through future budgets.

Enforcement Program: This measure will be staffed and administered under the Public Works Department.

Monitoring Program: Progress in implementing the measure will be documented by the Public Works Department. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: A copy of any educational materials will be forwarded to Maricopa County and/or MAG per any progress request.

**Measure Title:** Cover loads/haul trucks in Apache Junction.

Measure Description: An ordinance will be drafted and considered to require the covering of all loaded and empty haul trucks within the City of Apache Junction.

Responsible Agency and Authority for Implementation: This measure will be implemented by the City of Apache Junction. Legal authority for this action is provided under A.R.S. Section 9-240(B).

Implementation Schedule:

1. September 5, 2007 - Prepare draft ordinance.
2. September 17, 2007 - City Council consideration of ordinance for adoption in work session.
3. October 2, 2007 - Public hearing on ordinance and City Council adoption.
4. November 5, 2007 - Ordinance implementation.

Level of Personnel and Funding Allocated for Implementation: Estimated cost for the preparation and possible passage of the ordinance leading to the fulfillment of this measure will require a staff time equivalent to 0.10 FTE, at a cost of \$8,000. This will be accomplished by current department personnel under the adopted city budget for FY 07-08. The ongoing cost after ordinance implementation is estimated at \$2,000 and will be accomplished by future operating budgets.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function will be staffed and administered by the Apache Junction Police Department.

Monitoring Program: Implementation of the measure will be documented by the Public Works Department. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed, will be forwarded to Maricopa County and/or MAG per any progress request.

**Measure Title:** Reduce off-road vehicle use in areas with high off-road vehicle activity.

Measure Description: This measure will include the review and analysis of existing ordinances and actions already in place to prevent or discourage off-road vehicle use within the city limits of the City of Apache Junction. Changes may include amending and/or repealing existing ordinances or the adoption of a new ordinance for more efficient enforcement, prevention and discouragement of off-road vehicle use in vacant private or public properties.

Responsible Agency and Authority for Implementation: This measure will be implemented by the City of Apache Junction. Legal authority for this action is provided under A.R.S. Section 9-240(B).

Implementation Schedule:

1. December 3, 2007 - Complete review of existing ordinance and activities.
2. January 2, 2008 - Prepare draft ordinance(s).
3. February 2008 - City Council consideration of ordinance(s) for adoption/revisions.
4. March 2008 - Public hearing on ordinance(s) and possible City Council adoption.
5. May 2008 - Implementation of new/revised ordinance(s).

Level of Personnel and Funding Allocated for Implementation: Estimated cost for the review of existing ordinances, actions, and preparation and possible passage of new/revised ordinance(s) leading to the fulfillment of this measure will require a staff time equivalent to 0.15 FTE, at a cost of \$12,000. This will be accomplished by current department personnel under the adopted city budget for FY 07-08. The ongoing cost after possible

ordinance implementation is estimated at \$2,000 and will be accomplished by future operating budgets.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function will be staffed and administered by Apache Junction Code Compliance and the Apache Junction Police Department.

Monitoring Program: Implementation of the measure will be documented by the Public Works Department. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance (s), if passed, will be forwarded to Maricopa County and/or MAG per any progress request.

**Measure Title:** Sweep streets with PM-10 certified street sweepers.

Measure Description: All of the City's street sweepers are PM-10 certified as part of past PM-10 commitments made in 2004. The City's commitment to this measure will include the continuation of the commitment made in 2004 which includes the annual review and analysis of its sweeper program. Future action will involve looking at achieved frequencies and effectiveness of addressing high target areas.

Responsible Agency and Authority for Implementation: This measure will be implemented by the City of Apache Junction Public Works Department. Legal authority for this action is provided under A.R.S. Section 9-240(B).

Implementation Schedule:

1. Annually - Review and analysis of sweeper program completed by February 1.
2. Annually - Implementation of changes to sweeper program completed by April 1.

Level of Personnel and Funding Allocated for Implementation: Estimated cost for the review and analysis of the existing sweeper program for the fulfillment of this measure will require an additional cost of \$3,000 per annum. This will be accomplished by current department personnel under the adopted

city budget for FY 07-08 and future Public Works operating budgets.

Enforcement Program: This measure will be staffed and administered under the Public Works Department.

Monitoring Program: Progress in implementing the measure will be documented by the Public Works Department. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: Documents of the reviews along with any plans will be forwarded to Maricopa County and/or MAG per any progress request.

**Measure Title:** Pave or stabilize existing unpaved parking lots and strengthen enforcement.

Measure Description: Implementation of this measure within the City of Apache Junction at this time is infeasible. Two-thirds of the developed area of Apache Junction is equestrian and "rural" in nature where many dirt roads, dirt parking lots and driveways exist - encompassing an eleven square mile area. The City of Apache Junction views all its other commitments as more important with much higher chances of success in implementation and impact.

**Measure Title:** Pave or stabilize existing public dirt roads and alleys.

Measure Description: The City of Apache Junction currently maintains approximately 18 miles of dedicated dirt roads. In 2004 the city set the goal of paving 4 miles of dirt roads a year. Starting in fiscal year 07-08, the City will increase this minimum to 6 miles of dirt roads to be paved within that FY. An additional commitment will be to complete the paving of all dedicated dirt roads in 2009. City will also inventory its alleys and commit to dust proofing a minimum of 2 lane miles of the City's highest traversed alleys with recycled asphalt millings.

Responsible Agency and Authority for Implementation: This measure will be implemented by the City of Apache Junction

Public Works Department. Legal authority for this action is provided under A.R.S. Section 9-240(B).

Implementation Schedule:

1. December 29, 2007 - Complete the inventory and assessment of city maintained alleys.
2. February 29, 2008 - Dustproof a minimum of two lane miles of alleys.
3. June 30, 2008 - Complete the paving of six miles of dedicated dirt roads.
4. August 31, 2009 - Finish the paving of remaining dedicated dirt roads within Apache Junction (estimated eight miles).

Level of Personnel and Funding Allocated for Implementation:

Estimated cost for the inventory and dust proofing of existing two lane miles of alleys for the fulfillment of this measure will require an additional cost of \$15,000. This will be accomplished by current department personnel and materials under the adopted city budget for FY 07-08. The cost of paving an additional two miles of dedicated dirt roads in FY 07-08 would be \$75,000 and completing the remaining dedicated dirt roads by 2009 is estimated at \$175,000. The resources needed to complete the paving by 2009 will be accomplished by current resources under the adopted city budget for FY 07-08 and future Public Works Department budgets.

Enforcement Program: This measure will be staffed and administered under the Public Works Department.

Monitoring Program: Progress in implementing the measure will be documented by the Public Works Department. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: Progress reports and plans will be forwarded to Maricopa County and/or MAG per any progress request.

**Measure Title:** Limit speeds to 15 miles per hour on high traffic dirt roads.

Measure Description: The City of Apache Junction does not find this measure feasible to implement for the following reasons:

1. The paving of all dedicated dirt roads in the City of Apache Junction will be completed in 2009.
2. The need for "Reasonable enforcement" as espoused in the Manual on Uniform Traffic Control Devices would be beyond the City's resources.

**Measure Title:** Pave or stabilize unpaved shoulders.

**Measure Description:** The City of Apache Junction will conduct an inventory of all dedicated roads with dirt shoulders to identify those dedicated roads with an Average Daily Traffic ("ADT") of 2,000+ vehicles. Once the inventory is complete, the City will stabilize an estimated four lane miles of shoulders with recycled asphalt millings at an average width of eight feet. Shoulder stabilization will be performed twice a year on the identified segments.

**Responsible Agency and Authority for Implementation:** This measure will be implemented by the City of Apache Junction Public Works Department. Legal authority for this action is provided under A.R.S. Section 9-240(B).

**Implementation Schedule:**

1. December 29, 2007 - Complete inventory of dedicated roads with dirt shoulders with an ADT of 2,000+.
2. February 29, 2008 - Complete the stabilization of an estimated four lane miles of dedicated roads with shoulders by an average of eight feet wide.

**Level of Personnel and Funding Allocated for Implementation:** Estimated cost for the initial inventory and stabilization of an estimated four lane miles of existing dedicated roads with dirt shoulders for the fulfillment of this measure will require an additional cost of \$30,000. The inventory and initial stabilization of shoulders will be accomplished by current department personnel and resources under the adopted city budget for FY 07-08. The cost of maintaining four lane miles of stabilized dirt shoulders twice per year is estimated at \$15,000. Additional resources to maintain the stabilization beyond FY 07-08 will be requested in future Public Works Department budgets.

Enforcement Program: This measure will be staffed and administered under the Public Works Department.

Monitoring Program: Progress in implementing the measure will be documented by the Public Works Department. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: Progress reports and plans will be forwarded to Maricopa County and/or MAG per any progress request.

**Measure Title:** Restrict vehicular use and parking on vacant lots.

Measure Description: The majority of problematic vacant lots in Apache Junction are vacant Bureau of Land Management and State owned lands. In 1997, the City of Apache Junction and the State Lands Department entered into an IGA for the fencing of State lands within the corporate limits of Apache Junction. Since 1997, 36 miles of state land has been fenced. As a commitment to this measure, Apache Junction will heighten its public education and outreach regarding the purpose of this fencing and commit to the building of an additional 3 miles of fencing.

Responsible Agency and Authority for Implementation: This measure will be implemented by the City of Apache Junction Parks & Recreation Department. Legal authority for this action is provided under A.R.S. Section 9-240(B).

Implementation Schedule:

1. June 30, 2008 - Complete the fencing of an additional 1 mile of state land property.
2. June 30, 2009 - Complete the fencing of an additional 1 mile of state land property.
3. June 30, 2010 - Complete the fencing of an additional 1 mile of state land property

Level of Personnel and Funding Allocated for Implementation: The cost of constructing the additional 3 miles of fencing for the fulfillment of this measure will require an additional cost of \$9,500 over the next three years. Funding for heightened public education and outreach will fall under Apache Junction's commitment under measure "Public education and outreach." Needed

resources to fulfill the first year's commitment will be accomplished with current department personnel under the adopted city budget for FY 07-08. Future resources needed to finish the commitment are still being examined.

Enforcement Program: The enforcement function will be staffed and administered by the Apache Junction Parks & Recreation - Park Rangers, Code Compliance and Apache Junction Police Department.

Monitoring Program: Implementation of the measure will be documented by Public Works and Parks & Recreation Departments. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: Information related to the initial inventory and assessment for fencing improvements/additions along with any plans will be forwarded to Maricopa County and/or MAG per any progress request.

**Measure Title:** Enhance enforcement of trespass ordinances and codes.

Measure Description: This measure will include the review and analysis of existing ordinances and actions already in place to prevent or discourage vacant land trespass within the incorporated limits of the City of Apache Junction. Changes may include amending and/or repealing existing ordinances or the adoption of a new ordinance for more efficient enforcement, prevention and discouragement of trespassers of vacant private or public properties.

Responsible Agency and Authority for Implementation: This measure will be implemented by the City of Apache Junction. Legal authority for this action is provided under A.R.S. Section 9-240(B).

Implementation Schedule:

1. February 29, 2008 - Complete review of existing ordinance and activities.
2. March 28, 2008 - Prepare the draft/repeal/amendment of ordinance(s).
3. April 2008 - City Council consideration of ordinance(s) for adoption/revisions.

4. May 2008 - Public hearing on ordinance(s) and possible City Council adoption.
5. June 2008 - Implementation of new/revised ordinance(s).

Level of Personnel and Funding Allocated for Implementation:

Estimated cost for the review of existing ordinances, actions, and preparation and possible passage of new/revised ordinance(s) leading to the fulfillment of this measure will require a staff time equivalent to 0.15 FTE, at a cost of \$12,000. This will be accomplished by current department personnel under the adopted city budget for FY 07-08. The ongoing cost after possible ordinance implementation is estimated at \$3,000 and will be accomplished by current department personnel and future operating budgets.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function will be staffed and administered by Apache Junction Code Compliance and the Apache Junction Police Department.

Monitoring Program: Implementation of the measure will be documented by the Public Works Department. Information on progress will be provided to Maricopa County as per its annual request.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance (s), if passed, will be forwarded to Maricopa County and/or MAG per any progress request.

**CITY OF AVONDALE**

**RESOLUTION NO. 2659-707**

A RESOLUTION OF THE COUNCIL OF THE CITY OF AVONDALE, ARIZONA, COMMITTING TO IMPLEMENT CERTAIN MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA.

**WHEREAS**, the Maricopa Association of Governments (“MAG”) has been designated by the Governor of Arizona as the regional air quality planning agency in Maricopa County; and

**WHEREAS**, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

**WHEREAS**, because the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006, a plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

**WHEREAS**, MAG has produced a plan that includes measures to reduce PM-10 emissions by five percent per year (the “Five Percent Plan”); and

**WHEREAS**, ARIZ. REV. STAT. § 49-406(G) requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies (i) its authority for implementing the measure as provided in statute, ordinance, or rule, (ii) a program for enforcement of the measures (iii) and the level of personnel and funding allocated to the implementation of the measure; and

**WHEREAS**, the City of Avondale (the “City”) is empowered to implement measures of the Five Percent Plan pursuant to Article I, Section 3 of the Avondale City Charter.

**NOW, THEREFORE BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVONDALE** as follows:

**SECTION 1.** That the City agrees to proceed with a good faith effort to implement the Five Percent Plan measures set forth in Exhibit A, attached hereto and incorporated herein by reference.

**SECTION 2.** That the City commits to implement the measures as scheduled and with the funding sources identified in Exhibit A. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal

agencies, the City agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

SECTION 3. That the Mayor, the City Manager, the City Clerk and the City Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.

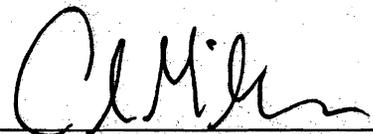
**PASSED AND ADOPTED** by the Council of the City of Avondale, July 2, 2007.

  
Marie Lopez Rogers, Mayor

ATTEST:

  
Linda M. Farris, City Clerk

APPROVED:

  
Andrew J. McGuire, City Attorney

**EXHIBIT A  
TO  
RESOLUTION NO. 2659-707**

**[Five Percent Plan Measures]**

**See following pages.**

## **Measure 1. Public Education and outreach with assistance from local governments**

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### **Measure Description**

The City of Avondale will begin an information campaign that increases the public's awareness of the PM-10 issue. The focus of the campaign will highlight what Avondale and its citizens can do to reduce airborne dust.

### **Responsible Agency and Authority for Implementation**

Legal authority for this action is proved under A.R.S. Section 9-240, General Powers of Common Council.

### **Implementation Schedule**

Avondale will assist Maricopa County to increase public awareness of the PM - 10 problems to Avondale residents. The city will utilize the materials and/or information developed by the County and distribute/communicate them through various methods, e.g., neighborhood outreach and HOA meetings, city webpage, Cable TV-Channel 11, citizen and employee newsletters, and stocking brochures at the City's public facilities, including the libraries.

### **Level of Personnel and Funding Allocated for Implementation**

The Community Relations & Public Affairs Department is responsible for the city's public information and community outreach programs. Funding for the implementation of this measure will be absorbed in the department's budget allocation.

### **Enforcement**

The measure will be enforced at the direction of the City Manager's Office and staffed and administered under the Community Relations and Public Affairs Department.

### **Monitoring Program**

Avondale staff will track the number and type of calls received regarding dust issues to determine the effectiveness of the outreach campaign. The City will submit progress reports, when requested by outside agencies.

### **Copy of Ordinance, Rule or Regulation**

Non Required

## **Measure 22. Reduce off-road vehicle use in areas with high off-road vehicle activity**

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### **Measure Description**

This measure would involve development and enforcement of ordinances or implementation of other actions to prevent or discourage off-road vehicle use in the PM-10 nonattainment area.

### **Responsible Agency and Authority for Implementation**

Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council and the Avondale City Charter.

### **Implementation Schedule**

The Avondale commits to drafting and presenting to Council no later than March 31, 2008, an ordinance that will address the dust created by the use of motorized vehicles in the river-bed areas within the City of Avondale.

Currently, the City of Avondale Police Department has been working with the County Sheriff's Office in an effort to limit vehicle access to the river-bed areas and issue citations pursuant to Arizona Trespassing Statutes.

### **Level of Personnel and Funding Allocated for Implementation**

Funding for the implementation of this measure is determined in the city's annual budgeting process.

### **Enforcement**

If the ordinance is approved by Council, the Avondale Police Department will enforce the measure and work with the Maricopa County Sheriff's Department when appropriate to enforce Arizona State Statutes.

### **Monitoring Program**

If the ordinance is approved by Council, on an annual basis, the Avondale Police Department will determine the effectiveness of the regulation and continue in restricting off-road vehicle access to the riverbeds. The city will prepare and submit progress reports when requested by outside agencies.

### **Copy of Ordinance, Rule or Regulation**

A copy of the ordinance, if adopted, will be forwarded to the Maricopa Association of Government.

## **Measure 29. Sweep streets with PM-10 certified street sweepers**

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### Measure Description

This measure would require all public paved roads in the PM-10 nonattainment area to be swept with purchased or contracted PM-10 certified street sweepers.

Effective February 2, 2005, the City of Avondale approved Resolution No. 2448-04 developing procedures to reduce re-entrained dust emissions from paved roads that experience a high level of soil deposition. Implementation of this operating procedure increased the City's frequency of sweeping for the designated areas from twice a month to once every ten calendar days, a frequency improvement of 100%.

### Responsible Agency and Authority for Implementation

Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council and the Avondale Charter.

### Implementation Schedule

Avondale's entire street sweepers are PM-10 certified. Therefore, Avondale already uses PM-10 certified street sweepers to sweep all public city streets. The city will continue to use PM-10 sweepers to sweep existing public city streets.

In the event the city elects to use a private vendor to sweep public city streets, the city shall require the vendor to use P-10 certified street sweepers.

### Level of Personnel and Funding Allocated for Implementation

The Field Operations Department is responsive for the city's street sweeping program. Funding for the implementation of this measure is determined in the city's annual budgeting process.

### Enforcement

The enforcement function will be staffed and administered under the Field Operations Department and will be implemented administratively.

### Monitoring Program

The Field Operations Department will prepare the necessary street sweeping plans, vendor requirements, and document progress made in implementing this measure. The city will prepare and submit progress reports, when requested by outside agencies.

### Copy of Ordinance, Rule or Regulation

None Required

## **Measure 31. Pave or stabilize existing unpaved parking lots**

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### **Measure Description**

This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas.

### **Responsible Agency and Authority for Implementation**

Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council and the Avondale Charter.

### **Implementation Schedule**

By March 31, 2008, the city will amend or adopt a city ordinance to require that parking, maneuvering, ingress and egress areas for new and existing development are maintained with paving or a stabilization method approved by the city. The city will allow a phase-in period prior to enforcing the new requirement. The phase in period will be used to educate and inform businesses and the public of the new requirement.

### **Level of Personnel and Funding Allocated for Implementation**

Funding for the implementation of this measure is determined in the city's annual budgeting process.

### **Enforcement**

The enforcement function will be staffed and administered und the Code Compliance Department.

### **Monitoring Program**

The Code Compliance Department will document process made in implementing this measure. The city will prepare and submit progress reports, when requested by outside agencies.

### **Copy of Ordinance, Rule or Regulation**

A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Government.

## **Measure 32. Pave or stabilize existing public dirt roads and alleys**

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### Measure Description

The measure would revise Rule 210.10 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day (e.g., 50 vehicles per day).

The City of Avondale does not have any unpaved public dirt roads or unpaved alleys which allow motor vehicle access.

### Responsible Agency and Authority for Implementation

N/A

### Implementation Schedule

N/A

### Level of Personnel and Funding Allocated for Implementation

N/A

### Enforcement

N/A

### Monitoring Program

N/A

### Copy of Ordinance, Rule or Regulation

N/A

**Measure 33. Limit speeds to 15 miles per hour on high traffic dirt roads**

Measure Description

This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic (e.g., 50 to 150 vehicles per day).

The City of Avondale does not have unpaved public dirt roads.

Responsible Agency and Authority for Implementation

N/A

Implementation Schedule

N/A

Level of Personnel and Funding Allocated for Implementation

N/A

Enforcement

N/A

Monitoring Program

N/A

Copy of Ordinance, Rule or Regulation

N/A

## **Measure 35. Pave or stabilize unpaved shoulders**

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### Measure Description

This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., 2,000 vehicles or 50 heavy duty trucks per average weekday).

### Responsible Agency and Authority for Implementation

Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council and the Avondale Charter.

### Implementation Schedule

The city of Avondale will be hire a pavement management technician this fiscal year (2008) to inventory all the streets assets to assist with complying with this measure. Maintenance will be scheduled on a five-year plan and linked to the Capital Improvement Plan for funding.

### Level of Personnel and Funding Allocated for Implementation

The Field Operations Department is responsible for paving or stabilizing unpaved shoulders. The city has budgeted for a new hire.

### Enforcement

The Field Operations Department is responsible for implementing this measure administratively.

### Monitoring Program

The Field Operations Department will monitor the situation and document progress made. The City will prepare and submit progress reports, when requested by other agencies.

### Copy of Ordinance, Rule or Regulation

N/A

## **Measure 38. Restrict vehicular use on vacant lots**

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### Measure Description

This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant land.

### Responsible Agency and Authority for Implementation

Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council and the Avondale Charter.

### Implementation Schedule

The City of Avondale currently has restrictive ordinances prohibiting parking on vacant lots;

#### **Code 23-61 parking prohibited for certain purposes.**

No person shall park a vehicle upon any public street, right-of-way or other public property for the principal purpose of:

- (1) Displaying such vehicle for sale.
- (2) Washing, greasing or repairing such vehicle, except repairs necessitated by an emergency.
- (3) Displaying advertising.
- (4) Displaying commercial exhibits. (Code 1971, § 14-3-7; Ord. No. 905-03, § 5, 1-6-03)

#### **Code 23-60 Authority to erect signs restricting parking.**

The city manager, or authorized designee, may erect or cause to be erected, signs regulating, restricting, or prohibiting parking in any way the city manager deems necessary to preserve the health, safety, and general welfare of the public. When such signs are erected, no person shall stop or stand a vehicle in disobedience to such signs. (Code 1971, § 14-3-4; Ord. No. 905-03, § 4, 1-6-03)

### Level of Personnel and Funding Allocated for Implementation

The Avondale Police Department is responsible for enforcing the Code.

### Enforcement

This measure will continue to be enforced by ordinance. The enforcement funding will be staffed and administered under the Police Department and Code Enforcement.

### Monitoring Program

The City will prepare and submit progress reports, when requested by other agencies.

### Copy of Ordinance, Rule or Regulation

A copy of the ordinance will be forwarded to the Maricopa Association of Government.

## **Measure 39. Enhanced enforcement of trespass ordinances and codes**

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### **Measure Description**

The measure would increase the enforcement of vehicular trespass ordinances and codes for vacant lots.

### **Responsible Agency and Authority for Implementation**

Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council and the Avondale Charter.

### **Implementation Schedule**

The Avondale Police Department currently works collaboratively with Maricopa County Sherriff's Office to enforce state Statutory Trespassing laws.

### **Level of Personnel and Funding Allocated for Implementation**

The Police Department is responsible for enforcing trespassing on private property. Funding will be made available during the annual budgeting process.

### **Enforcement**

This measure will be enforced by ordinance and Arizona trespassing laws.

### **Monitoring Program**

The Avondale Police Department will document progress made in implement this measure. The city will prepare and submit progress reports, when requested by outside agencies.

### **Copy of Ordinance, Rule or Regulation**

N/A

**TOWN OF BUCKEYE**

RESOLUTION NO. 49-07

**A RESOLUTION OF THE MAYOR AND TOWN COUNCIL  
OF THE TOWN OF BUCKEYE, ARIZONA, TO  
IMPLEMENT MEASURES IN THE MAG 2007 FIVE  
PERCENT PLAN FOR PM-10 FOR THE MARICOPA  
COUNTY NONATTAINMENT AREA.**

**WHEREAS**, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

**WHEREAS**, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the federal Clean Air Act; and

**WHEREAS**, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

**WHEREAS**, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

**WHEREAS**, Arizona Revised Statutes Section 49-406(G) requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided by statute, ordinance, or rule; a program for enforcement measures; and the level of personnel and funding allocated to the implementation of the measure.

**NOW, THEREFORE, BE IT RESOLVED BY THE MAYOR AND TOWN COUNCIL OF THE TOWN OF BUCKEYE, ARIZONA**, as follows:

**Section 1.** That the Town Council of the Town of Buckeye agrees to proceed with a good faith effort to implement the measures identified in Exhibit A hereto, which is incorporated in this Resolution, as if fully set forth herein.

**Section 2.** That the Town Council of the Town of Buckeye commits to implement the measures as scheduled and with the funding sources identified, recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state, federal, and local agencies. The Town resolves to consider modifications of its funding or the schedules for implementation actions, if necessary.

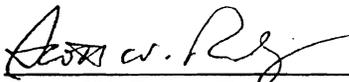
**PASSED, ADOPTED AND APPROVED** by the Mayor and Town Council of the Town of Buckeye, Arizona, on July 3, 2007.

  
\_\_\_\_\_  
Bobby D. Bryant, Mayor

**ATTEST:**

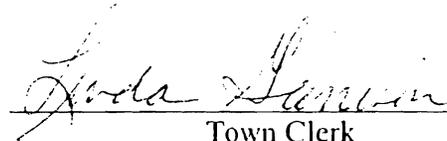
  
\_\_\_\_\_  
Linda Garrison, Town Clerk

**APPROVED AS TO FORM:**

  
\_\_\_\_\_  
Scott W. Ruby, Town Attorney

CERTIFICATE

I hereby certify that the above and foregoing Resolution No. 49-07 was duly passed by the Mayor and Town Council of the Town of Buckeye, Arizona, at a regular meeting held on July 3, 2007, and that a quorum was present thereat.

  
\_\_\_\_\_  
Town Clerk

Attachment – Exhibit A - Commitments to Implement Measures in the MAG Five Percent Plan for PM-10

**Exhibit A**  
**Commitments to Implement Measures in the MAG Five**  
**Percent Plan for PM-10**

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Reduce off-road vehicle use in areas with high off-road vehicle activity.

Measure Description: An ordinance will be drafted and considered to prevent or discourage the off-road use of vehicles within the PM-10 nonattainment area.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Police Department. The legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(B)(3), (5)(C), (14), and 9-462.01.

Implementation Schedule:

- ♦ August 1, 2007 – Coordination Meeting
- ♦ October 1, 2007 – Draft Ordinance Completed
- ♦ October 16, 2007 – Council Workshop
- ♦ January 8, 2008 – Public Hearing on Ordinance
- ♦ February 5, 2008 – Council Considers Ordinance for Adoption
- ♦ July 1, 2008 – Ordinance Implementation

Level of Personnel and Funding Allocated for Implementation: An equivalent of one full-time employee will be required to work with the affected departments to draft the ordinance. The estimated cost to prepare the draft ordinance and provide required staff support leading to adoption is not expected to exceed \$15,000.00. Coordination with the affected departments, developing the draft ordinance and support leading to adoption will be performed by current department personnel consistent with the 2007/2008 fiscal year budget.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function is anticipated to be staffed and administered by the Police Department.

Monitoring Program: The Police Department will provide information documenting progress in implementing the measure as a part of the quarterly report to the Town Manager. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Restrict vehicular use and parking on vacant lots.

Measure Description: This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant lots.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Police Department. Legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(B)(12), (21)(a), and 9-462.01.

Implementation Schedule:

- ♦ September 1, 2007 – Coordination Meeting
- ♦ November 1, 2007 – Draft Ordinance Complete
- ♦ November 20, 2007 – Council Workshop
- ♦ January 22, 2007 – Public Hearing on Ordinance
- ♦ March 4, 2007 – Council Considers Ordinance for Adoption
- ♦ July 1, 2008 – Ordinance Implemented

Level of Personnel and Funding Allocated for Implementation: An equivalent of one full-time employee will be required to work with the affected departments to draft the ordinance. The estimated cost to prepare the draft ordinance and provide required staff support leading to adoption is not expected to exceed \$15,000.00. Coordination with the affected departments, developing the draft ordinance and support leading to adoption will be performed by current department personnel consistent with the 2007/2008 fiscal year budget.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function is anticipated to be staffed and administered by the Police Department.

Monitoring Program: The Police Department will provide information documenting progress in implementing the measure as a part of the quarterly report to the Town Manager. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Enhance enforcement of trespass ordinances and codes.

Measure Description: This measure would increase the enforcement of vehicle trespass ordinances and codes for vacant lots.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Police Department. Legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(B)(12) and (21)(a).

Implementation Schedule:

- ♦ September 1, 2007 – Coordination Meeting
- ♦ November 1, 2007 – Draft Ordinance Complete
- ♦ November 20, 2007 – Council Workshop
- ♦ January 22, 2007 – Public Hearing on Ordinance
- ♦ March 4, 2007 – Council Considers Ordinance for Adoption
- ♦ July 1, 2008 – Ordinance Implemented

Level of Personnel and Funding Allocated for Implementation: An equivalent of one full-time employee will be required to work with the affected departments to draft the ordinance. The estimated cost to prepare the draft ordinance and provide required staff support leading to adoption is not expected to exceed \$15,000.00. Coordination with the affected departments, developing the draft ordinance and support leading to adoption will be performed by current department personnel consistent with the 2007/2008 fiscal year budget.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function is anticipated to be staffed and administered by the Police Department.

Monitoring Program: The Police Department will provide information documenting progress in implementing the measure as a part of the quarterly report to the Town Manager. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Limit Speeds to 15 miles per hour on high traffic dirt roads.

Measure Description: This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic (e.g., 50 – 150 vehicles per average weekday).

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Police Department. Legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(B)(3)(a) and (12).

Implementation Schedule:

- ♦ November 1, 2007 – Coordination Meeting
- ♦ February 1, 2008 – Draft Ordinance Complete
- ♦ March 18, 2008 – Council Workshop
- ♦ April 15, 2007 – Public Hearing on Ordinance
- ♦ May 6, 2007 – Council Considers Ordinance for Adoption
- ♦ July 1, 2008 – Ordinance Implemented

Level of Personnel and Funding Allocated for Implementation: An equivalent of one full-time employee will be required to work with the affected departments to draft the ordinance. The estimated cost to prepare the draft ordinance and provide required staff support leading to adoption is not expected to exceed \$15,000.00. Coordination with the affected departments, developing the draft ordinance and support leading to adoption will be performed by current department personnel consistent with the 2007/2008 fiscal year budget.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function is anticipated to be staffed and administered by the Police Department.

Monitoring Program: The Police Department will provide information documenting progress in implementing the measure as a part of the quarterly report to the Town Manager. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Pave or stabilize existing unpaved parking lots.

Measure Description: This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Community Development Department. The legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(B)(12) and 9-462.01.

Implementation Schedule:

- ♦ October 1, 2007 – Coordination Meeting
- ♦ December 7, 2007 – Draft Ordinance Completed
- ♦ January 8, 2008 – Council Workshop
- ♦ February 19, 2008 – Public Hearing on Ordinance
- ♦ April 1, 2008 – Council Considers Ordinance for Adoption
- ♦ July 1, 2008 – Ordinance Implementation

Level of Personnel and Funding Allocated for Implementation: An equivalent of one full-time employee will be required to work with the affected departments to draft the ordinance. The estimated cost to prepare the draft ordinance and provide required staff support leading to adoption is not expected to exceed \$15,000.00. Coordination with the affected departments, developing the draft ordinance and support leading to adoption will be performed by current department personnel consistent with the 2007/2008 fiscal year budget.

Enforcement Program: This measure will be enforced by ordinance. The enforcement function is anticipated to be staffed and administered by the Community Development Department.

Monitoring Program: The Community Development Department will provide information documenting progress in implementing the measure as a part of the quarterly report to the Town Manager. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Sweep streets with PM-10 Certified street sweepers.

Measure Description: This measure would require all public paved roads in the PM-10 non-attainment area to be swept with purchased or contracted PM-10 certified sweepers.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Public Works Department. The legal authority for this measure is provided under Arizona Revised Statutes Sections 9-240(A) and (B)(3).

Implementation Schedule: Street sweepers purchased by the Town of Buckeye meet the requirements necessary to be PM-10 compliant. Streets maintained by the Town of Buckeye are swept with certified PM-10 certified street sweepers.

Level of Personnel and Funding Allocated for Implementation: The administration to request proposals for PM-10 certified street sweepers will require one full-time equivalent employee at a cost of approximately \$60,000.00. It is estimated that the cost to prepare the request for proposals, advertise, review the proposals for compliance and award the contract will require staff equivalent to 0.10 of a full time employee at a cost of \$6,000.00. Operation of the PM-10 certified street sweeper will require staff time of one full-time equivalent employee at an approximate annual cost of \$. The PM-10 certified street sweeper will require maintenance at an approximate annual cost of \$. This will be accomplished by current department personnel under the Town adopted FY 2007/2008 budget.

Enforcement Program: This measure will be enforced by purchasing standard. The enforcement function will be staffed and administered under the Public Works Department.

Monitoring Program: The Street Branch of the Public Works Department will provide the number of sweepers in operation as a part of the quarterly report to the Public Works Director. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the purchasing specification will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Pave or stabilize existing public roads and alleys.

Measure Description: This measure would require the paving or stabilizing of public dirt roads that carry less than 150 vehicles per day but more than 50 vehicles per average weekday.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Public Works Department. Legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(A) and (B)(3).

Implementation Schedule: The development of a life cycle program will be initiated during the 2007/2008 fiscal year. Implementation of the life cycle program is planned to begin July 1, 2008. Road projects will be dependant criteria identified in the life cycle program and on available funding for Capital Improvement Projects.

Level of Personnel and Funding Allocated for Implementation: The Town will employ an equivalent of one consulting firm to work with the affected departments to draft the life cycle program. The estimated cost to prepare the draft plan and provide required staff support leading to adoption is not expected to exceed \$15,000.00. Coordination with the affected departments, developing the draft plan will be performed by current department resources allocated with the 2007/2008 fiscal year budget.

Enforcement Program: This measure will be incorporated into a road life cycle program. The enforcement function will be staffed and administered under the Public Works Department.

Monitoring Program: The Public Works Department will provide a report of the progress in implementing this measure with its budget requests for the subsequent fiscal year. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the Capital Improvement Plan, if approved by Council, will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Pave or stabilize unpaved shoulders.

Measure Description: This measure would require the paving or stabilizing of dirt shoulders on paved public roads that carry a high level of traffic, i.e., more than 2000 vehicles or 50 heavy duty trucks per average weekday.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Public Works Department. Legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(A) and (B)(3).

Implementation Schedule: The development of a life cycle program will be initiated during the 2007/2008 fiscal year. Implementation of the life cycle program is planned to begin July 1, 2008. Road projects will be dependant criteria identified in the life cycle program and on available funding for Capital Improvement Projects.

Level of Personnel and Funding Allocated for Implementation: The Town will employ an equivalent of one consulting firm to work with the affected departments to draft the life cycle program. The estimated cost to prepare the draft plan and provide required staff support leading to adoption is not expected to exceed \$15,000.00. Coordination with the affected departments, developing the draft plan will be performed by current department resources allocated with the 2007/2008 fiscal year budget.

Enforcement Program: This measure will be incorporated into a road life cycle program. The enforcement function will be staffed and administered under the Public Works Department.

Monitoring Program: The Public Works Department will provide a report of the progress in implementing this measure with its budget requests for the subsequent fiscal year. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance, Rule or Regulation: A copy of the Capital Improvement Plan, if approved by Council, will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Public Education and outreach with assistance from local governments.

Measure Description: This measure would involve publicity campaigns (e.g., Bring Back Blue) that increase public awareness of the PM-10 problem and discourage citizens from participating in activities that generate airborne dust.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Town of Buckeye Public Works Department. Legal authority for this action is provided under Arizona Revised Statutes Sections 9-240(A) and (B)(3).

Implementation Schedule: The Public Works Department includes funding request in annual budgets needed to increase awareness of Public Works activities.

Level of Personnel and Funding Allocated for Implementation: The annual budget for the Publics Department includes funds set aside for campaign information to raise public awareness of Public Works activities. Personnel involved in developing campaign activities will be performed by current department resources allocated with the 2007/2008 fiscal year budget.

Enforcement Program: Publicity campaign activities will be staffed and administered under the Public Works Department.

Monitoring Program: The Public Works Department will provide progress reports to inquiring agencies upon request. On an annual basis, the Maricopa County will be requesting information on the progress made with implementation. Maricopa County is the entity responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

**TOWN OF CAREFREE**

RESOLUTION NO. 2007-11

RESOLUTION TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT  
PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

WHEREAS, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

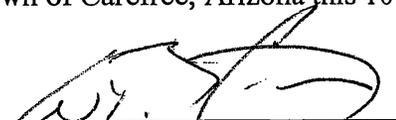
WHEREAS, Arizona Revised Statutes 49-406 G. requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measures as provided in statute, ordinance, or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE BE IT RESOLVED BY THE TOWN OF CAREFREE  
as follows:

SECTION 1. That the Council of the Town of Carefree agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this Resolution.

SECTION 2. That the Council of the Town of Carefree commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the Town agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

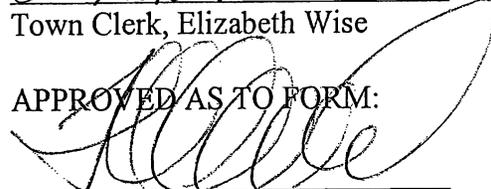
PASSED AND ADOPTED by the Mayor and Council of the Town of Carefree, Arizona this 10<sup>th</sup> day of July, 2007.

  
\_\_\_\_\_  
Mayor, Wayne Fulcher

ATTEST:

  
\_\_\_\_\_  
Town Clerk, Elizabeth Wise

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Town Attorney, Tomas K. Chenal

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Public education and outreach with assistance from local governments.

Measure Descriptions: The Town of Carefree will participate in county wide publicity campaigns and locally through the Town's newsletter and website.

Responsible Agency and Authority for Implementation: This measure will be implemented by the Maricopa Association of Governments (MAG) and the Town of Carefree.

Implementation Schedule: County wide publicity will be directed by MAG, and the local program campaign will begin upon approval of the Resolution implementing the control measure.

Level of Personnel and Funding Allocated for Implementation: The Town of Carefree budgets funds annually for the printing of the newsletter and maintenance of the website.

Enforcement Program: The Town of Carefree will administer the local program.

Monitoring Program: The Town of Carefree will administer and monitor the local program.

Copy of Ordinance: Not applicable.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: Sweep streets with PM-10 certified street sweepers.

Measure Description: The Town of Carefree contracts for street sweeping, and the contractor uses only PM-10 certified sweepers.

Responsible Agency and Authority for Implementation: The Town of Carefree is responsible for sweeping its streets.

Implementation Schedule: The Town of Carefree is currently contracting for the use of PM-10 certified street sweepers.

Level of Personnel and Funding Allocated for Implementation: The Town of Carefree budgets funds annually for the cost of the contract.

Enforcement Program: The Town of Carefree administers the street sweeping contract.

Monitoring Program: The Town of Carefree monitors the street sweeping program.

Copy of Ordinance, Rules, Or Regulation: Not applicable.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

### **Measure Title:**

- Reduce off-road vehicle use in areas with high off-road vehicle activity.
- Restrict vehicular use and parking on vacant lots.
- Enhanced enforcement of trespass ordinances and codes.

**Measure Description:** The Town of Carefree does not have any areas with high off-road vehicle activity. However, the Town has adopted an ordinance that makes it unlawful to operate an all terrain vehicle in a manner that causes excessive dust, and unlawful for any person to operate any motor vehicle on private property without the property owners written permission.

**Responsible Agency and Authority for Implementation:** The Town of Carefree is responsible for enforcing the ordinance.

**Implementation Schedule:** Ordinance has been adopted.

**Level of Personnel and Funding Allocated for Implementation:** The Town of Carefree contracts with the Maricopa County Sheriff's Office for law enforcement services. The Town of Carefree budgets funds annually for the cost of the contract.

**Enforcement Program:** The Town of Carefree contracts with the Maricopa County Sheriff's Office for law enforcement services.

**Monitoring Program:** The Town of Carefree and the Maricopa County Sheriff's Office both have complaint resolving procedures which are monitored by the Town Marshal and the Sheriff's District Commander.

**Copy of Ordinance, Rule or Regulation:** Copy of Section 6-2-5 (A) and (B) of the Carefree Code of Ordinances is attached.

**CAREFREE, ARIZONA**  
**CODE OF ORDINANCES**

Contains 2007 S-1 Supplement,  
current through Ordinance 07-01, passed 2-6-2007

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## OFFENSES

acceleration or deceleration, in such a manner, either alone or collectively, as to exceed eighty-five (85) dBA based on a measurement taken at a distance of twenty-five (25) feet or more from the source of the noise. For purpose of this Section, "dBA" shall mean weighted decibel, a sound level measurement unit.

4. It shall be unlawful for any person or persons to operate a motor vehicle, a motorcycle, or combination of vehicles, at any time, or under any condition of grade, load, acceleration or deceleration, in such a manner that annoys or disturbs either:
    - a. two (2) reasonable people of normal sensory perception, not residing in the same house, or
    - b. one (1) law enforcement officer engaged in his or her official duties and responsibilities.
  5. EXCEPTIONS. This ordinance shall not apply to aircrafts and emergency vehicles.
- E. No person shall collect or remove garbage in any residential or commercial district except between the hours after sunrise to 9:00 p.m.

### **Section 6-2-5 All Terrain Vehicles\***

- A. No person shall operate an all terrain vehicle in such a manner as to be injurious to health by reason of excessive dust or noise and so as to interfere with the comfortable enjoyment of life and property by persons in the vicinity of such vehicle's operations.
- B. It shall be unlawful for any person to operate or drive or leave any motor vehicle, motorcycle, mini-bike, trailbike, dune buggy, motor scooter, jeep or other form of transportation propelled by an internal combustion engine, upon the private property of another or upon public property which is not held open to the public for vehicle use, without the written permission of the owner thereof or the person entitled to immediate possession thereof, or the authorized agent of either. Whenever any person is stopped by a police officer of the town for violation of this subsection, he/she shall, upon request of the police officer, display written permission.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: Pave or stabilize existing unpaved parking lots.

Measure Description: The Town of Carefree does not have any dirt parking lots. The Carefree Zoning Ordinance allows only paved or stabilized parking lots; therefore, no dirt parking lots will be constructed.

Responsible Agency and Authority for Implementation: The Town of Carefree is responsible for administering and enforcing the Zoning Ordinance.

Implementation Schedule: Ordinance has been adopted.

Level of Personnel and Funding Allocated for Implementation: The Town of Carefree budgets funds annually for the cost of administering and enforcing the Zoning Ordinance.

Enforcement Program: The Town of Carefree enforces the Zoning Ordinance.

Monitoring Program: The Town of Carefree monitors activities on private property to ensure compliance with the Zoning Ordinance.

Copy of Ordinance, Rule, or Regulation: Copy of Section 7.06(3) of the Carefree Zoning Ordinance is attached.

# Town of Carefree

## Zoning Ordinance

*(The 2004 Amended Zoning Ordinance)*



### **10<sup>th</sup> Publication**

**Amended Ordinance #2004-02**

**Adopted: March 2, 2004 - Effective: April 1, 2004**

**Amended Ordinance #2005- 03**

**Adopted: June 7, 2005 - Effective: July 7, 2005**

**Amended Ordinance #2005-05**

**Adopted: July 5, 2005 - Effective: August 7, 2005**

**Amended Ordinance #2006-05**

**Adopted: June 6, 2006 - Effective: July 6, 2006**

## Section 7.06 Design Standards for Required Parking

- (1) For perpendicular parking, each space shall be at least nine (9) feet wide and twenty (20) feet deep with a minimum aisle width of twenty-two (22) feet.
- (2) For other than perpendicular parking, the design shall be approved by the Zoning Administrator.
- (3) Except for single family dwellings, all parking areas shall be paved with one of the following methods:
  - (A) Asphaltic concrete.
  - (B) Cement concrete.
  - (C) Stabilized decomposed granite.
  - (D) Paving blocks.
  - (E) Other paved surface as approved by the Development Review Board.
- (4) Driveways shall be designed so that access to a street is by forward motion.
- (5) For Commercial, Garden Office, and Multi-Family uses, except when a wall is required, a minimum six (6) inch high curb or bumper guard shall be utilized or employed so that no part of the vehicle shall extend over or beyond any property line.
- (6) For Commercial, Garden Office, and Multi-Family uses, required parking spaces shall be striped and the striping shall be maintained in good condition.
- (7) All Commercial, Garden Office, or Multi-Family uses shall screen off-street parking from view of any adjacent single family residential use by using landscaping and three (3) foot high earth berming and/or a three (3) foot high screen wall that blends into the building architecture as approved by the Development Review Board
- (8) All Commercial, Garden Office, or Multi-Family uses shall contain a minimum eight (8) foot wide landscape area between off-street parking areas and abutting rights-of-ways. A minimum fifteen (15) foot wide landscape area shall be provided between off-street parking and abutting residential uses.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

### Measure Title:

- Pave or stabilize existing public dirt roads and alleys.
- Limit speeds to 15 miles per hour on high traffic dirt roads.
- Pave or stabilize unpaved shoulders.

Measure Description: The Town of Carefree does not have any public dirt roads, alleys, or shoulders. The Town of Carefree allows only paved or stabilized roads, alleys, or shoulders. All public roads and alleys are to be constructed to the Uniform Standard for Public Works Construction distributed by the Maricopa Association of Governments (MAG).

Responsible Agency and Authority for Implementation: The Town of Carefree is responsible for constructing and maintaining its roads, alleys, and shoulders.

Implementation Schedule: The Town of Carefree is currently maintaining its roads, alleys, and shoulders.

Level of Personnel and Funding Allocated for Implementation: The Town of Carefree budgets funds annually for the cost of constructing and maintaining its roads, alleys, and shoulders.

Enforcement Program: The Town of Carefree administers its road, alley, and shoulder construction and maintenance programs.

Monitoring Program: The Town of Carefree monitors its road, alley, and shoulder construction and maintenance programs.

Copy of Ordinance, Rule, or Regulation: Copy of Section 11-1-5 of the Carefree Code of Ordinances is attached.

**CAREFREE, ARIZONA**  
**CODE OF ORDINANCES**

Contains 2007 S-1 Supplement,  
current through Ordinance 07-01, passed 2-6-2007

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## STREETS AND PUBLIC WAYS

### Section 11-1-4 Emergencies

This article shall not prevent any person, corporation, firm, association or political subdivision from maintaining any pipe or conduit lawfully on or under any public street, road, alley or right-of-way, or from making excavation as may be necessary for the preservation of life or property when an urgent necessity therefor arises during the hours during which the offices of the town engineer are closed, except that those making emergency use shall apply for a permit within one calendar day after said office is again open.

### Section 11-1-5 Manner in Which Work Shall Be Done\*

Work done in the public streets shall be done in accordance with the permit and the most recently approved Uniform Standard Specifications for Public Works Construction with revisions sponsored and distributed by the Maricopa Association of Governments and with all other ordinances, rules and regulations of the town applicable to such work. The town engineer may require, in the public interest, such additional structures as designated by him to control traffic properly, provide access to adjoining property and maintain other facilities in the area.

### Section 11-1-6 Inspection by Town\*\*

The town engineer shall furnish to the applicants such inspection services as will assure that the improvements are in accordance with the permits granted and the specifications and details mentioned in this article, except that the town engineer shall not be required to furnish inspection services with respect to any water, gas or sewer mains, pipelines and facilities, or electric, telephone, power or communications lines or facilities if, and to the extent that the State of Arizona, a public service corporation or a political subdivision of the State of Arizona other than the town is responsible under any federal or state statute or regulation for the proper installation or maintenance in safe operating condition of such mains, pipelines, lines or facilities. Nothing herein shall be deemed to preclude the town from providing such inspection services and taking such other action as is necessary to ensure compliance with Section 11-1-12 with respect to any damage to the public street that occurs in connection with the construction of such mains, pipelines, lines or facilities. Any permittee doing work under any permit as set forth in this article shall notify the town engineer at least one full working day in advance of the time and place where the work will begin.

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\*Amended by Ordinance 01-04

\*\*Ordinance 89-12

**TOWN OF CAVE CREEK**

## RESOLUTION NO. R-2007-18

A RESOLUTION OF THE MAYOR AND TOWN COUNCIL OF THE TOWN OF CAVE CREEK, ARIZONA TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA.

WHEREAS, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

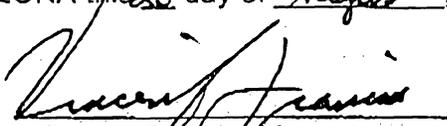
WHEREAS, Arizona Revised Statutes 49-406G requires that each agency that commits to implement a control measure describing that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance, or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Town Council of the Town of Cave Creek, Arizona as follows:

Section 1: That the Town Council of the Town of Cave Creek agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this resolution.

Section 2: That the Town of Cave Creek commits to implementing the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the Town agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

PASSED AND ADOPTED BY THE MAYOR AND COUNCIL OF THE TOWN OF CAVE CREEK, ARIZONA this 20 day of August, 2007.

  
Vincent Francia, Mayor

ATTEST:

  
Carrie A. Dyrek  
Town Clerk

APPROVED AS TO FORM:

  
Clifford Mattice  
Town Attorney

MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure 1: Public education and outreach with assistance from local governments.

Description: The Town of Cave Creek will participate in county-wide publicity campaigns as required and locally through the Town of Cave Creek's newsletters and website.

Responsible Agency  
And Authority for  
Implementation: This measure will be implemented by the Town of Cave Creek.

Implementation  
Schedule: County-wide publicity will be directed by the local program will begin upon approval of the Resolution implementing these control measures.

Personnel/Funding  
Allocated for  
Implementation: The Town of Cave Creek budgets funds annually for the printing of the newsletters and maintenance of the Town of Cave Creek website.

Enforcement: The Town of Cave Creek will administer the local program.

Monitoring: The Town of Cave Creek will monitor the local program.

Description: The Town of Cave Creek has a PM-10 certified streetsweeper.

Responsible Agency  
And Authority for  
Implementation: The Town of Cave Creek is responsible for sweeping its streets.

Implementation  
Schedule: The Town of Cave Creek currently schedules to sweep streets on a regular schedule (once a quarter) as well as when additional needs arise.

Personnel/Funding  
Allocated for  
Implementation: The Town of Cave Creek budgets funds annually for the costs of sweeping streets on a regular schedule.

Enforcement: The Town of Cave Creek will administer the streetsweeping program.

Monitoring: The Town of Cave Creek will monitor the local streetsweeping program.

Description:

The Town of Cave Creek Zoning Ordinance requires commercial off-street parking spaces to be surfaced with concrete, asphalt or with a minimum of 3" of compacted decomposed granite or other dust controlling material approved by the Zoning Administrator.

Responsible Agency  
And Authority for  
Implementation:

The Town of Cave Creek is responsible for administering and enforcing the Zoning Ordinance.

Implementation  
Schedule:

Ordinance has been adopted.

Personnel/Funding  
Allocated for  
Implementation:

The Town of Cave Creek budgets funds annually for the costs of administering and enforcing the Zoning Ordinance.

Enforcement:

The Town of Cave Creek enforces the Zoning Ordinance.

Monitoring:

The Town of Cave Creek monitors compliance with the Zoning Ordinance.

Copy of Ordinance O2006-02, Chapter 5, Page 19, Item 5 – Surfacing, of the Town Of Cave Creek Zoning Ordinance is attached.

Description:

The Town of Cave Creek schedules dust control spraying of dirt roads and unpaved streets in the Town of Cave Creek Rights-Of-Way; approximately 25 miles of sprayed roads with an ADT of 50-150.

Responsible Agency  
And Authority for  
Implementation:

The Town of Cave Creek is responsible for scheduling dust control for its dirt roads and unpaved streets.

Implementation  
Schedule:

The Town of Cave Creek currently schedules dust control on a regular schedule as well as when additional needs arise.

Personnel/Funding  
Allocated for  
Implementation:

The Town of Cave Creek budgets funds annually for the costs of dust control for dirt roads and unpaved streets on a regular schedule.

Enforcement:

The Town of Cave Creek will administer the dust control program.

Monitoring:

The Town of Cave Creek will monitor the dust control program.

Measure 5:

Paving unpaved roads in the Town of Cave Creek Rights-of-Way.

Description:

The Town of Cave Creek schedules an annual chip sealing project for paving approximately 5-miles of unpaved roads in the Town of Cave Creek Rights-of-Way. The goal is to pave the majority of the remaining dirt roads within five (5) years; approximately 25 miles with an ADT of 50-150.

Responsible AgencyAnd Authority forImplementation:

The Town of Cave Creek is responsible for paving unpaved roads in the Town of Cave Creek Rights-of-Way per the annual project schedule and funds available.

ImplementationSchedule:

The Town of Cave Creek currently schedules annually to pave approximately 5-miles of unpaved roads through its chip seal project.

Personnel/FundingAllocated forImplementation:

The Town of Cave Creek budgets funds annually for the costs of paving unpaved roads through its chip seal project.

Enforcement:

The Town of Cave Creek will administer the annual chip seal project.

Monitoring:

The Town of Cave Creek will monitor the annual chip seal project.

Measure 6: Reduce off-road vehicle use.

Description: The Town of Cave Creek has adopted an Ordinance that makes it unlawful for any person to operate any motor vehicle on private property without the property owner's express permission. The Town of Cave Creek has also adopted an Ordinance that restricts all motorized vehicles to designated parking areas and roadways within any park, recreational area, playground, open space area.

Responsible Agency  
And Authority for  
Implementation:

The Town of Cave Creek is responsible for enforcing its Ordinances.

Implementation  
Schedule:

The Ordinances have been adopted.

Personnel/Funding  
Allocated for  
Implementation:

The Town of Cave Creek contracts with the Maricopa County Sheriff's office and Town Marshal's office for law enforcement services. The Town of Cave Creek budgets funds annually for the costs of these contracts.

Enforcement:

The Town of Cave Creek contracts with the Maricopa County Sheriff's office and Town Marshal's office for enforcement services.

Monitoring:

The Town of Cave Creek and the Maricopa County Sheriff's office both have complaint resolving procedures which are monitored by the Town Marshal's office and the Sheriff's District Commander.

Chapter 71.16.A and Chapter 94.02.F O2006-02 of the Town Code are attached.

Measure 7: Restrict vehicular use and parking on vacant lots

Description: The Town of Cave Creek has Code Enforcement Staff, during the course of their daily activities, identify vehicular use and parking on vacant lots. Data can be gathered over the next 12 months (September 1, 2007 to September 1, 2008) to document cases where vehicular use and parking on vacant lots may be taking place. If problem sites are identified a recommended course of action will be submitted to Town Council for approval and MAG will be notified of that plan following Council's approval.

Responsible Agency  
And Authority for  
Implementation:

The Town of Cave Creek and its Code Enforcement Staff will be responsible for identifying problem sites for possible corrective action.

Implementation  
Schedule:

One year (September 1, 2007 – September 1, 2008) with any possible corrective action to follow.

Personnel/Funding  
Allocated for  
Implementation:

The Town of Cave Creek contracts with the Maricopa County Sheriff's office and Town Marshal's office for code enforcement services. The Town of Cave Creek budgets funds annually for the costs of these contracts.

Enforcement:

The Town of Cave Creek contracts with the Maricopa County Sheriff's office and Town Marshal's office for enforcement services.

Monitoring:

The Town of Cave Creek and the Maricopa County Sheriff's office both have complaint resolving procedures which are monitored by the Town Marshal's office and the Sheriff's District Commander.

Measure 8: Enhanced enforcement of trespass ordinances and codes

Description: The Town of Cave Creek has Code Enforcement Staff, during the course of their daily activities, will monitor unauthorized vehicular activity (trespassing). Data can be gathered over the next 12 months (September 1, 2007 to September 1, 2008) to determine whether a problem exists.

Responsible Agency  
And Authority for

Implementation: Trespassing violations will be referred to the Maricopa County Sheriff's Office, as appropriate.

Implementation  
Schedule:

One year (September 1, 2007 – September 1, 2008) with any possible corrective action to follow.

Personnel/Funding  
Allocated for  
Implementation:

The Town of Cave Creek contracts with the Maricopa County Sheriff's office and Town Marshal's office for law enforcement services. The Town of Cave Creek budgets funds annually for the costs of these contracts.

Enforcement:

The Town of Cave Creek contracts with the Maricopa County Sheriff's office and Town Marshal's office for enforcement services.

Monitoring:

The Town of Cave Creek and the Maricopa County Sheriff's office both have complaint resolving procedures which are monitored by the Town Marshal's office and the Sheriff's District Commander.

Measure 9: Limit speeds to 15 miles per hour on high traffic dirt roads

Description: The Town of Cave Creek has an annual chip seal paving project by which we have been paving approximately five (5) miles of high-traffic dirt roads per year and continue to do so at the same rate. All remaining dirt roads with a traffic count above 50 vehicles per day will have a 15 miles per hour speed limit until paved.

Responsible Agency

And Authority for

Implementation: Town of Cave Creek Public Works Department.

Implementation

Schedule:

Chip Seal Project is completed annually at a rate of approximately five (5) miles per year.

Personnel/Funding

Allocated for

Implementation:

The Town of Cave Creek budgets funds annually for the costs of paving unpaved roads through its chip seal project.

Enforcement:

The Town of Cave Creek will administer the annual chip seal project and monitor/schedule paving of remaining unpaved roads.

Monitoring:

The Town of Cave Creek will administer the annual chip seal project and monitor/schedule paving of remaining unpaved roads.

Measure 10: Pave or stabilize unpaved shoulders

Description: The Town of Cave Creek seeks to have any unpaved shoulders revegetate naturally to discourage off-road traffic and to also assist in controlling dust levels on roadways. Collector streets shoulders are stabilized with dust control (Dust-Tac) on a regular schedule (bi-monthly/every 2 months) or as required depending on the circumstances and conditions.

Responsible Agency  
And Authority for  
Implementation: Town of Cave Creek Public Works Department.

Implementation  
Schedule: Dust control is performed on areas of unpaved, unvegetated shoulders during our dust control regular schedule (bi-month/every 2 months) or as conditions change.

Personnel/Funding  
Allocated for  
Implementation: The Town of Cave Creek budgets funds annually for the costs of applying dust control on a regular schedule (bi-monthly/every 2 months).

Enforcement: The Town of Cave Creek will administer the regular scheduled dust control program on a bi-monthly/every 2 months schedule.

Monitoring: The Town of Cave Creek will administer the regular scheduled dust control program on a bi-monthly/every 2 months schedule or as conditions and circumstances change the requirement.

**CITY OF CHANDLER**

**RESOLUTION NO. 4091**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CHANDLER, ARIZONA, TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NON-ATTAINMENT AREA.

WHEREAS, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County non-attainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County non-attainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

WHEREAS, Arizona Revised Statutes § 49-406.G requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Chandler, Arizona as follows:

SECTION 1. That the City Council of the City of Chandler agrees to proceed with a good faith effort to implement the measures identified in Exhibits "A" through "I", which are attached hereto and made a part of this Resolution No. 4091.

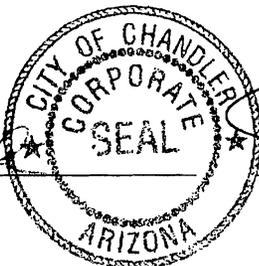
SECTION 2. That the City Council of the City of Chandler commits to implement the measures as scheduled and with the funding sources identified in Exhibits "A" through "I". Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City Council of the City of Chandler agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

SECTION 3. That City staff is directed to undertake those activities and execute those documents necessary to implement the provisions of this Resolution.

PASSED AND ADOPTED by the Mayor and City Council of the City of Chandler, Arizona, this 28<sup>th</sup> day of June, 2007.

ATTEST:

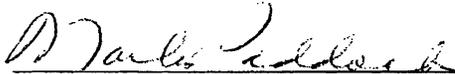
  
CITY CLERK

  
CITY OF CHANDLER  
CORPORATE  
SEAL  
ARIZONA

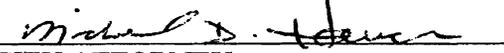
  
MAYOR

CERTIFICATION

I HEREBY CERTIFY that the above and foregoing Resolution No. 4091 was duly passed and adopted by the City Council of the City of Chandler, Arizona, at a regular meeting held on the 28<sup>th</sup> day of June, 2007, and that a quorum was present thereat.

  
CITY CLERK

APPROVED AS TO FORM:

  
CITY ATTORNEY

**EXHIBIT A**

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: (1) Public education and outreach with assistance from local governments.

Measure Description: This measure would involve a public information and education campaign to increase public awareness of the PM-10 issue and discourage citizens from participating in activities that generate airborne dust.

Responsible Agency and Authority for Implementation: The City of Chandler through the actions of the Communications and Public Affairs Department will develop public information materials, i.e., brochures, newsletter and newspaper articles, columns, video segments that deal with dust control that will air on Chandler's regular-running programs (Chandler Public Works at Work and CityScope, etc.), to inform the citizens of Chandler of the health risks associated with PM-10 pollution and ways in which they can participate in reducing such pollution. Such public information materials will be disseminated to the community via the City's Web site, monthly citizen newsletters, Cable Channel 11, and through the media. Progress of this project will be managed by the Department Director or his designee.

Implementation Schedule: Public information materials will be developed by the end of 2007 and will be distributed through 2007 and 2008 during the months of stagnation and high dust conditions.

Level of Personnel and Funding Allocated for Implementation: These public information materials will be developed using in-house resources. This effort will be accomplished with City staff. Supplies and other resources including production, printing and distribution are estimated to cost \$1900.

Enforcement Program: The program will be designed to encourage the citizens of Chandler to voluntarily make life style changes that will benefit the environment and reduce PM-10 pollution levels.

Monitoring Program: Progress with production and dissemination of the information will be overseen by Communication and Public Affairs Director or designee and will be reported to the City Manager's Office by the end of each fiscal year. Specific metrics will be tracked as to the amount of public information materials that are produced and how much media placement – both internal (to City employees) and external (to our citizens) is logged. A copy of this report will be submitted by the City Manager to Maricopa County annually. Maricopa County is responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

**EXHIBIT B**

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: (22) Reduce off-road vehicle use in areas of high off-road vehicle activity.

Measure Description: Existing City Code provisions prohibit use of off-road vehicles on unimproved surfaces that generate emissions of PM-10. Legal authority for this action is provided under A.R.S. Section 9-240 General powers of common council, Section 1.03, Charter of the City of Chandler and Sections 12-3.1 and 12-3.2 Code of City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through the Police Department is currently enforcing this ordinance as part of their normal duties. The Chief of Police will designate a project manager to track implementation of this measure.

Implementation Schedule: This measure is currently being enforced.

Level of Personnel and Funding Allocated for Implementation: Enforcement of the ordinance is currently part of the normal enforcement duties of the Police Department and is included in current budgets.

Enforcement Program: This measure is enforced by the Police Department with the support of the Neighborhood Resources Division.

Monitoring Program: Progress of enforcement will be presented in metrics as number of citations issued for violations. The Police Project Manager will report these metrics to the City Manager's Office on an annual basis. The City Manager will forward reports to Maricopa County within 30 days of the end of the Fiscal Year. Maricopa County will report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

APPENDIX C

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: (29) Sweep streets with PM-10 street sweepers.

Measure Description: City of Chandler will sweep high dust roadway sections, arterial, collector and distribution streets using only PM-10 certified street sweepers. The City of Chandler has eleven (11) street sweepers (see note below), all of which are PM-10 Compliant, and most of which have been purchased through the Maricopa County CMAQ grant process. The City has increased the sweeping frequency for non-attainment areas as part of the revised State Implementation Plan for the Phoenix metropolitan area in the manner detailed below. The City's sweeping schedule /commitment is as follows:

- a. Arterial Roadways: Once every two weeks.
- b. Collectors and Residential Streets: Once every month
- c. Downtown Area: Once per week
- d. Special Non Attainment Areas (See Below).
- e. Airport: Runways, Taxiways, and Parking Aprons are swept at least once every two weeks.

Note: The City airport has one (1) PM-10 certified street sweeper; Streets Division has nine (9) sweepers, and one additional sweeper that will be delivered in June/July of 2007 (total of 11 sweepers).

City of Chandler Resolution No. 3782 Approved by Council on 10-14-2004		
Road Classification	Street Name	From/To
High Dust Arterials <sup>1</sup>	Arizona Avenue	Willis Road to Ryan Road
	Germann Road	Arizona Avenue to McQueen Road
	McQueen Road	Queen Creek Road to Ocotillo Road
	Price Road	Germann Road to the Santan Freeway
	56th Street	Chandler Boulevard South to City Limits
High Dust Collectors <sup>2</sup>	Summit Place	Alma School Road to Dobson Road
	Doral Drive	Lindsay Road to Val Vista Drive
	Hunt Highway	City Limits East of McQueen Road to Val Vista Drive

Notes: 1. Identified Arterials That are Swept three (3) times per month  
2. Identified Collectors That are Swept two (2) times per month

The City of Chandler is a rapidly growing City and the effort necessary to maintain the above listed schedule is an ever-increasing task. The Public Works Director will identify a Project Manager who will track the progress of this measure.

Responsible Agency and Authority for Implementation: The City of Chandler through the Public Works Department will perform systematic sweeping of the streets in accordance with the specified schedule. The Public Works Department performs this task under the general legal authority as provided under A.R.S. Section 9-240, General powers of common council and Section 1.03, Charter of the City of Chandler.

Implementation Schedule: It is anticipated that an additional street sweeper will be added in FY 2008-09. The sweeper will be a PM-10 certified street sweeper and one additional operator will also be added.

Level of Personnel and Funding Allocated for Implementation: Administration and implementation of this measure will require staff time of eleven (11) full time employees and sweeping equipment/sweeping equipment maintenance costs of approximately \$1,500,000 per year. To stay in compliance, it is anticipated that one additional staff member and one additional street sweeper will be added each year starting in FY 2008-09. Street sweepers are anticipated to be purchased in conjunction with CMAQ funding. In other fiscal years the Public Works Department will analyze the need for additional sweepers as new streets are added to the City's street system. Sweepers will be added as the demand requires to conform to the specified schedule.

Enforcement Program: the Public Works Department will implement the program.

Monitoring Program: Street sweeping will be tracked by GPS monitoring to verify that sweeping schedules are achieved. The Public Works Director's Project Manager will supply the City Manager with a progress report documenting implementation of the measure annually by the end of the fiscal year. The City Manager will submit a copy of the annual report to Maricopa County within 30 days of the end of the fiscal year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

**EXHIBIT D****CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: (31) Pave or stabilize existing unpaved parking lots – strengthen enforcement.

Measure Description: It is estimated that in Fiscal Years 2007-08 through 2009-2010 the City will Pave or stabilize 100 acres of existing City parking lots or maneuvering areas. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, Section 1.03 Code of the City of Chandler.

Since 1999 the City of Chandler has required all commercial development to pave all parking and maneuvering areas when they were constructed (Chandler City Code Section 35-1802 requires pavement). All residential development after 1982 was required to provide paved parking and maneuvering areas (Chandler City Code Section 35-1802 requires pavement). In 1982, when the City of Chandler enacted these provisions, the City had a population of approximately 43,000 people. The City's current population is 246,000 people. As such most of the residential and commercial/industrial development, has been constructed since these provisions were put in place. The impact of having these requirement in place early is that most of the current parking and maneuvering areas are paved.

Responsible Agency and Authority for Implementation: The City of Chandler Public Works Department Director will oversee the paving/stabilization of these parking lots with support from the Downtown Redevelopment Division. The Public Works Director will appoint a Project Manager to track compliance and report such progress to the City Manager.

Implementation Schedule: These unpaved parking areas will be paved/stabilized in FY 2007-08.

Level of Personnel and Funding Allocated for Implementation: Stabilization or paving of the additional parking lots will require a commitment of \$600,000 for City owned parking lots.

Enforcement Program: The program will be enforced by the Public Works Director.

Monitoring Program: Progress of enforcement will be presented as the number of acres of existing City parking area stabilized or paved. The Public Works Project Manager will report to the City Manager the acres of parking lots paved or stabilized by the end of FY 2007-08. The City Manager's Office will forward this report to Maricopa County within 30 days of the end of the fiscal year. Maricopa County will report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## EXHIBIT E

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: (32) Pave or stabilize existing public dirt roads and alleys.

Measure Description: This measure would require paving or stabilizing of City owned public dirt roads and alleys that carry more than 50 vehicles per day. The City of Chandler has 129 miles of alleyways and over 1875 lane miles of City streets. There are currently 30 miles of unstabilized alleys and 0.95 miles of City owned unpaved roads. This means that 77% of the City alleys are already paved or stabilized, and over 99.95% of the City streets are paved. During fiscal year 2007-2008, 10 miles of alley will be stabilized, 0.7 miles of public roadway will be paved, and 0.25 miles of roadway will be stabilized. During the next two fiscal years the remaining 20 miles of alley will be stabilized and the 0.25 miles of roadway that was stabilized the year before will be paved. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council and Section 1.03 Code of the City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through the Public Works Department will pave or stabilize existing City owned dirt roads and alleys. The Public Works Director will identify a Project Manager who will oversee this work and report progress to the City Manager.

Implementation Schedule: The schedule for implementing this measure is as follows.

- FY 2007-08 - 10 miles of alley stabilized, 0.7 miles of road paved, and 0.25 miles of road stabilized.
- FY 2008-09 - 10 miles of alley stabilized and 0.25 miles of road paved,
- FY 2009-10 - 10 miles of alley stabilized.

Level of Personnel and Funding Allocated for Implementation: Paving of the 0.95 miles of unpaved streets will cost \$1,069,000. Stabilization of the 30 miles of alleys will cost \$2,817,000. These projects will be spread over three years for completion.

Enforcement Program: The program will be implemented by the Public Works Department.

Monitoring Program: Progress of enforcement will be presented in metrics as the amount of roadway and alley stabilized and paved. The Public Works Project Manager will report to the City Manager annually as to the work completed. The City Manager's Office will submit the annual report to Maricopa County within 30 days of the end of the Fiscal Year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure

**EXHIBIT F**

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: (33) Limit speeds to 15 miles per hour on high traffic roads.

Measure Description: This measure would require 15 mph speed limit signs to be posted on City owned dirt roads in the PM-10 nonattainment area that carry high traffic (e.g. 50-150 vehicles per day). It is estimated that there are 1.2 miles of City owned dirt roads that carry high traffic. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, and Section 1.03, Charter of the City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through the Public Works Department will post speed limit signs on public dirt roads receiving more than 50 vehicles per day and the Police Department will enforce such speed limits as it does in other speed limit zones.

Implementation Schedule: The traffic control signs will be posted by July 1, 2007.

Level of Personnel and Funding Allocated for Implementation: Fabrication and erecting speed limit signs will cost \$500. This will be done by July 1, 2007.

Enforcement Program: The program will be enforced by the Police Department.

Monitoring Program: Speed limits will be enforced as other speed limits are enforced through the City by random patrols. Completion of the installation of the traffic speed limit signs will be reported by the Director of Public Works to the City Manager by August 1, 2007. The City Manager will submit the report to Maricopa County along with the annual report within 30 days of completion of the fiscal year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

EXHIBIT G

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: (35) Pave or stabilize unpaved shoulders.

Measure Description: This measure will pave or stabilize dirt shoulders on paved public roads that carry a high level of traffic (e.g. more than 2,000 vehicles or 50 heavy trucks per average weekday). Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, and Section 1.03 Charter of the City of Chandler.

Responsible Agency and Authority for Implementation: The City of Chandler through its Public Works Department recently developed an inventory of streets with more than 2,000 vehicles or 50 heavy trucks per average weekday. The City currently has approximately 1566 miles of shoulder, or approximately 97% of all City shoulders, that are currently paved or stabilized. The remaining roadway edges include approximately 57 miles of shoulders without curb and gutter. About seven (7) miles of shoulder are already paved or stabilized but without curb and gutter. Of the 50 remaining miles of unimproved shoulders, the City will be constructing 14.7 linear miles with full curb and gutter and improving the shoulder of the remaining 35 miles with an eight foot wide stabilized shoulder constructed of aggregate or asphalt millings. This will be accomplished over a three-year period. The Public Works Director will identify a Project Manager who will oversee construction of these measures and will report progress to the City Manager.

Implementation Schedule:

1. June 30, 2008 12 miles of shoulder stabilized and 5 miles of curb and gutter constructed.
2. June 30, 2009 12 miles of shoulder stabilized and 5 miles of curb and gutter constructed.
3. June 30, 2010 11 miles of shoulder stabilized and 4.7 miles of curb and gutter constructed.

Level of Personnel and Funding Allocated for Implementation: Road improvements for the 14.7 miles of road to be fully improved including design and construction for paving the full 6 lanes with improvements totals \$69,313,000. Road improvements for shoulders that include applying aggregate or asphalt millings eight feet wide to the remaining 36 miles of unimproved shoulders will cost approximately \$1,311,000.

Enforcement Program: The program will be implemented by the Public Works Department.

Monitoring Program: Progress of construction will be reported by the Public Works Project Manager to the City Manager as to the number of miles of shoulders improved by applying aggregate or asphalt millings and the number of miles of curb and gutter improvement made to existing roads. This report will be sent to the City Manager by the end of the fiscal year. The City Manager's Office will forward this report to Maricopa County within 30 days of completion of the fiscal year. Maricopa County will be responsible for reporting reasonable further progress to the U.S. Environmental Protection Agency

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

**EXHIBIT H**

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: ( 38) Restrict vehicular use and parking on vacant lots.

Measure Description: This measure prohibits vehicle trespass on vacant land. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, Section 1.03 Charter of the City of Chandler and Sections 12-3.1, 12-3.2, 30-3.2G, and 35-1802, Code of the City of Chandler.

Responsible Agency and Authority for Implementation: The City Police Department and Neighborhood Resources Division is currently enforces this measure as part of their normal duties.

Implementation Schedule: This measure is currently being enforced.

Level of Personnel and Funding Allocated for Implementation: Enforcement of the ordinance is currently part of the normal enforcement duties of the Police Department and is included in current budgets.

Enforcement Program: The program will be enforced by the Police Department with support from the Neighborhood Resources Division through Code Section 1.8.

Monitoring Program: Progress of enforcement will be reported by the number of citations issued for this violation. Such metrics will be reported by the Chief of Police to the City Manager's Office by the end of each fiscal year. The City Manager will forward the annual report to Maricopa County within 30 days of completion of the fiscal year. Maricopa County will be responsible to report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

**EXHIBIT I**

**CITY OF CHANDLER  
MEASURES FOR IMPLEMENTATION OF MAG FIVE  
PERCENT PLAN FOR PM-10**

Measure Title: ( 39) Enforcement of trespass ordinances and codes.

Measure Description: This measure would provide enforcement of vehicular trespass ordinances and codes for vacant lots. Legal authority for this action is provided under A.R.S. Section 9-240, General powers of common council, Section 1.03 Charter of the City of Chandler, and Sections 12-3.1, 12-3.2 and 30-3.2 G.

Responsible Agency and Authority for Implementation: The City of Chandler through the Police Department and Neighborhood Services Division is currently enforcing this measure as part of their normal duties.

Implementation Schedule: This measure is currently being enforced.

Level of Personnel and Funding Allocated for Implementation: Enforcement of the ordinance is currently part of the normal enforcement duties of the Police Department and is included in current budgets.

Enforcement Program: The program will be enforced by the Police Department with support from the Neighborhood Services Division through Code Section 1.8.

Monitoring Program: Progress of enforcement will be reported by the number of citations issued for this violation. Such metrics will be reported by the Chief of Police to the City Manager's Office by the end of each fiscal year. The City Manager will forward the annual report to Maricopa County within 30 days of completion of the fiscal year. Maricopa County will be responsible to report reasonable further progress to the U.S. Environmental Protection Agency.

Copy of Ordinance: A copy of the applicable Code Sections is attached. No Code changes are required to implement this measure.

## APPENDIX

### Section 1.03. Powers.

The city may acquire property within or without its corporate limits for any city purpose in fee simple or any lesser interest or estate, by purchase, gift, devise, lease or condemnation, and may sell, mortgage, hold, manage and control such property as its interests may require. Except as prohibited by the constitution of this state or restricted by this charter, the city shall have and may exercise all municipal powers, functions, rights, privileges and immunities of every name and nature whatsoever, and especially to enter into contracts, cooperative and otherwise, with the government of the United States, the State of Arizona, Maricopa County, quasi-municipalities, or any other municipal corporation of this state for the construction, maintenance and operation of roads, highways, parks, sewers, waterworks, public utilities, and buildings (when used for public purposes), all when deemed for the best interest of the city. The enumeration of particular powers by this charter shall not be deemed to be exclusive, and in addition to the exercise of such powers it is intended that the city shall have and may exercise all powers which under the constitution of this state it would be competent for this charter specifically to enumerate.

### **1-8. General penalty; continuing violations.**

*1-8.1.* "Violation of this Code" means any of the following:

- A. Doing an act that is prohibited or made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.
- B. Failure to perform an act that is required to be performed by ordinance or by rule or regulation authorized by ordinance.
- C. Failure to perform an act if the failure is prohibited or is made or declared unlawful, an offense, a violation or a misdemeanor by ordinance or by rule or regulation authorized by ordinance.

*1-8.2.* "Violation of this Code" does not include the failure of a City Officer or City Employee to perform an official duty unless it is specifically provided that the failure to perform the duty is to be punished as provided in this section.

*1-8.3.* Except as otherwise provided by law or ordinance, a person convicted of a violation of this Code shall be guilty of a Class 1 misdemeanor, punishable by a fine not exceeding two thousand five hundred dollars (\$2,500.00), by imprisonment for a term not exceeding six (6) months, by probation for a term not exceeding three (3) years, or by any combination thereof. Except as otherwise provided by law or ordinance, with respect to violations of this Code that are continuous with respect to time, each day that the violation continues is a separate offense.

*1-8.4.* The sentence to pay a fine, imposed on an enterprise convicted of a Class 1 misdemeanor shall be an amount not more than twenty thousand dollars (\$20,000.00) and

on an enterprise convicted of a class 2 misdemeanor shall be an amount not more than ten thousand dollars (\$10,000.00).

*1-8.5.* Violations of Chapters 12 and 13 of this Code are civil traffic violations punishable as provided in A.R.S. tit. 28, ch 5.

*1-8.6.* The imposition of a penalty does not prevent suspension or revocation of a license, permit or franchise or other administrative sanctions.

*1-8.7.*

*A.Civil infractions.* Except as otherwise provided by law or ordinance, a violation of Chapters 28, 30, 31, 44 and 58 shall be a civil infraction which will be charged, filed and prosecuted in accordance with Chapter 26 of this Code.

*B.Habitual offender.* Any person who commits a violation of any one of the above listed Chapters after previously having been found responsible for committing two (2) or more civil infractions of the same Chapter within any thirty-six-month period, whether by admission, by payment of the fine, by default, or by judgment after hearing, shall be guilty of a criminal misdemeanor punishable as set forth in Subsection 1-8.3 of this Code. The Chandler City Prosecutor is authorized to file a criminal misdemeanor complaint in the Chandler Municipal Court against such habitual offenders who violate this Section. For purposes of calculating the thirty-six-month period under this paragraph, the dates of the commission of the offenses are the determining factor.

*1-8.8.* Violations of this Code that are continuous with respect to time are a public nuisance and may be abated through the civil infractions enforcement and abatement procedures in Chapter 26 of this Code or by injunctive or other equitable relief. The imposition of civil or criminal penalties does not prevent enforcement and abatement nor injunctive relief.

*1-8.9.* Enforcement of City Code. The City Manager/Designee is hereby authorized and directed to enforce all the provisions of the City Code. Such enforcement shall be in accordance with the following:

A. By criminal complaint (either by citation issued by a Police Officer pursuant to A.R.S § 13-3903 or by a long form criminal complaint filed in the Chandler Municipal Court pursuant to Rule 2.3 Arizona Rules of Criminal Procedure);

B. By civil action in the Superior Court seeking an injunction and order for abatement;

C. By the procedures for civil infraction citations set forth in Chapter 26 of this Code;

D. By the abatement procedures authorized in A.R.S. 9-499 and established in Chapter 26 of this Code; or

E. By any other enforcement remedies provided by State law, including but not limited to the provisions relating to slum properties.

(Ord. No. 1346, § I, 5-21-84; Ord. No. 2532, § 1, 2-9-95; Ord. No. 3048, § 2, 11-4-99; Ord. No. 3496, § 1, 12-18-03; Ord. No. 3602, 11-15-04; Ord. No. 3621, 10-28-04; Ord. No. 3730, § 1, 11-14-05)

**Cross references:** Posting of penal ordinances, § 2-8; City Court, § 20-1 et seq.

**State law references:** Limits of fines and imprisonment for cities operating under Council form of government, A.R.S. § 9-240; disposition of fines, etc., for violations of City Ordinances, A.R.

S., § 13-1675; working prisoners, A.R.S., § 31-144.

12-3. Vehicles on private property.

*12-3.1. Written permission required.* No person shall operate or drive any motor vehicle, motorcycle, minibike, dune buggy, motor scooter, or other form of transportation propelled by an internal-combustion engine, upon the private property of another or upon public property which is not held open to the public for vehicle use, without the written permission of the owner thereof or the person entitled to immediate possession thereof, or the authorized agent of either. The property owner, lessee or invitee may operate such vehicles if the use is incidental to the enjoyment of the property rights and does not violate any other applicable laws. Whenever any such person is stopped by a Police Officer of the City for violations of this section, the person shall, upon request of the Police Officer, display written permission.

*12-3.2. Display grant of permission.* No person shall park or leave any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter, motor home, travel trailer, camper, boat or other form of recreational vehicle or form of transportation upon the private property of another without displaying in public view the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either.

(Ord. No. 395, § 3, 2-21-68; Ord. No. 687, § 1, 9-23-76; Ord. No. 701, § 1, 3-10-77; Ord. No. 1346, § 3, 5-21-84; Ord. No. 2969, § 3, 8-26-99)

30-3.2. Exterior premises and vacant land.

*G. Vacant lots and parcels.*

1. The owners and responsible parties of vacant parcels five thousand (5,000) square feet or larger which have been disturbed by motor vehicles shall either:

a. Erect signs, fencing, shrubs, trees or other barriers to prevent motor vehicle trespass or parking; or

b. Apply surface gravel or chemical/organic stabilizers to all disturbed surface areas.

2. The owners and responsible parties of vacant lots or parcels where more than one-half (1/2) acre of the surface has been disturbed shall either:

a. Establish ground cover;

b. Apply a dust suppressant;

c. Restore to a natural state; or

d. Apply gravel to the disturbed area.

3. The owners and responsible parties of properties on which weed abatement disturbs more than one-half (1/2) acre of vacant land shall:

a. Apply a dust suppressant immediately prior to or during such weed abatement;

b. Take reasonable precautions to prevent or eliminate cut plant material from being tracked out onto paved surfaces or onto access points adjoining paved surfaces; and

c. Apply a dust suppressant, gravel, use compaction or take other dust control measures immediately following weed abatement.

4. Paragraphs 2 and 3 do not apply to vacant lots located on an industrial facility or construction or earth-moving activity on-sites that have an approved permit issued by the City or by Maricopa County.

5. Property which is part of a subdivision or planned area development (PAD) shall be maintained in conformance with the exhibits, conditions and stipulations approved and imposed by the City Council at the time the approval for rezoning or developments was granted.

**35-1802. General requirements.**

(5) All parking areas and driveways shall have a surface of masonry, concrete or asphalt except in an AG-1 District and SF-33 District, where a dustfree surface is permitted.

Within any residential district, the parking of motor homes, travel trailers, and boats on trailers shall be permitted on an unimproved surface when located behind the required front yard setback, and screened from the street by a solid six-foot wall or fence.

(10) Motor vehicles may be parked in the front yard only when on an improved driveway (as defined in (5) above) leading to required off-street parking.

**CITY OF EL MIRAGE**

R07-06-12

**RESOLUTION TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA**

**WHEREAS**, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

**WHEREAS**, The Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

**WHEREAS**, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

**WHEREAS**, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

**WHEREAS**, Arizona Revised Statutes 49-406 G, requires that each agency that commits to implement a control measure describe that measure in a resolution adopted by the governing body which specifies it authority for implementing the measure as provided in statute, ordinance, or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

**NOW, THEREFORE BE IT RESOLVED BY THE CITY OF EL MIRAGE** as follows:

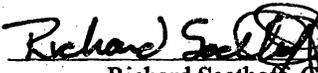
**SECTION 1.** That the Council of the City of El Mirage agrees to proceed with a good faith effort to implement the measures identified in "Exhibit A" which is part of this resolution.

**SECTION 2.** That the Council of the City of El Mirage commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or process of various state and federal agencies, the City of El Mirage agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

PASSED AND ADOPTED by the Mayor and Council of the City of El Mirage, Arizona this 28<sup>th</sup> day of June 2007.

  
Fred Waterman, Mayor

ATTEST:

  
Richard Saathoff, City Clerk

APPROVED AS TO FORM:

  
Fredda J. Bisman, City Attorney  
Mariscal, Weeks, McIntyre and Friedlander, P.A.  
City Attorney

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: Public Education and Outreach with assistance from local governments.  
(MAG Measure 1)

Measure Description: Measure would involve publicity campaign involving Maricopa County's "Bring Back Blue" public service announcement for the local government access channel, a PM-10 awareness / FAQ pamphlet for distribution to local residents, and an electronic version of the PM-10 awareness / FAQ pamphlet published on the official city website.

Responsible Agency and Authority for Implementation: The City of El Mirage Technology Services Department with the assistance of the City Manager's Office will be responsible for the broadcast of the "Bring Back Blue" public service announcement on the local government access channel as well as the development and distribution of the community awareness / FAQ pamphlet and website publishing.

Implementation Schedule: The "Bring Back Blue" public service announcement is scheduled for broadcast beginning January 2008. The PM-10 awareness / FAQ pamphlet and website content will be available for distribution and electronically published beginning January 2008.

Level of Personnel and Funding Allocated for Implementation: It is estimated that preparation of the public service announcement and design and implementation of the pamphlet and website materials will require approximately 60 hours staff time. This will be accomplished by current department personnel under the adopted FY 2007/08 city budget.

Enforcement Program: Not Applicable

Monitoring Program: This measure requires a single phase implementation which will be monitored internally by the Technology Services Director. Quarterly checks for public service announcement updates will be conducted by the Technology Services Department.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: Reduce off-road vehicle use in areas with high off-road vehicle activity. This measure would involve development and enforcement of ordinances to prevent or discourage off-road vehicle use in the PM-10 nonattainment area. (MAG Measure 22)

Measure Description: The City will create an ordinance and the enforcement which will prohibit any person to operate or drive any motor vehicle, motorcycle, mini-bike, dune buggy, all terrain vehicles (ATV), motor scooter, or other form of transportation on private and/or public property that is not held open to the public.

Responsible Agency and Authority for Implementation: City of El Mirage Community Development Department will develop an ordinance and the enforcement to be approved by council to prevent off-road vehicle use in the PM-10 nonattainment area.

A.R.S., Section 9-240: General Power of Council

Implementation Schedule: Presentation of ordinance to Council March 2008 for discussion and action.

Personnel and/or Funding: Funding for enforcement is included in the annual operating budget for the departments listed above and is not listed as a separate budget allocation.

Enforcement Program: A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Nonattainment Area Plans.

Monitoring Program: The City will submit progress reports to State and/or County agencies upon request.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: Sweep streets with PM-10 certified street sweepers – This measure would require all public paved roads in the PM-10 nonattainment area to be swept with purchased or contracted PM-10 sweepers. (MAG Measure 29)

Measure Description: The Street Department currently conducts all routine sweeping of 95 miles of City's streets with PM-10 certified sweepers.

Responsible Agency and Authority for Implementation: City of El Mirage Public Works Department Street Division.

A.R.S., Section 9-240: General Powers of Council

Implementation Schedule: Street sweeping has been on going with PM-10 certified sweepers since January 2004.

Personnel and/or Funding:

The City Purchased a TYMCO International Street Sweeper in 2004 utilizing CMAQ funding with a 5.7% match obligation. In addition the City purchased a Freightliner FL 70 Street Sweeper in 2005 utilizing CMAQ funding with a 5.7% match obligation.

Total cost for TYMCO sweeper purchased in 2004 is \$133,424.59; this includes the 5.7% match obligation of the City of \$7,605.20.

Total cost for Freightliner FL20 sweeper purchased in 2004 is \$135,425.52; this includes the 5.7% match obligation of the City of \$7,719.25.

Enforcement Program: A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Nonattainment Area Plans.

Monitoring Program: The city will submit progress reports to State and/or County agencies upon request.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULULATE POLLUTION**

Measure Title: Pave or stabilize existing unpaved parking lots and strengthen enforcement. This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas. (MAG Measure 31)

Measure description: The City of El Mirage will review city code 13-4-1 Excessive Dust to improve and strengthen its current code on paved lots within any portion of the City that is within a Non-Attainment Areas.

Responsible Agency and Authority for Implementation: City of El Mirage Community Development Department will develop an ordinance and the enforcement to be approved by Council to prevent excessive dust on unpaved parking lots in the non-attainment area.

A.R.S., Section 9-240: General Power of Council

Implementation Schedule: Development of an ordinance to be presented to Council by March 2008.

Personnel and/or Funding: Funding for enforcement is included in the annual operating budget for the departments listed above and is not listed as a separate budget allocation.

Enforcement Program: A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Nonattainment Area Plans.

## **MAG 2007 FIVE PERCENT PLAN PM-10 PARTICULATE POLLUTION**

Measure Title: Pave or stabilize existing public dirt roads and alleys – This measure would revise Rule 310.01 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day. (MAG Measure 32)

Measure Description: The Public Works Department Street Division is currently stabilizing all unpaved dirt roads with millings of asphalt/gravel, repairing pot holes on a needed basis and smoothing the asphalt/gravel on the streets. The water truck is used temporarily for dust control on dirt roads and alleys.

Responsible agency and Authority for Implementation: City of El Mirage Public Works Department Street Division.

A.R.S., SECTION 9-240: General Power of Council

Implementation Schedule: To be completed in the fall of 2007. This will occur annually or on an as needed basis to reapply or repair a target area.

Personnel and/or Funding: The funding for the Street Division tasks are included in the annual operating budget and are not listed as a separate allocation.

Funding for stabilization of unpaved roads and alleys will be in the annual operating budget FY 2007/08.

Enforcement Program: A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Nonattainment Area Plans.

Monitoring Program: The City will submit progress reports to State and/or County agencies upon request.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: Limit speeds to 15 miles per hour on high traffic dirt roads (e.g., 50-150 Vehicles per day) – this measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic. (MAG Measure – 33)

Measure Description: The City of El Mirage would review current codes under Chapter 13: Traffic; Motor Vehicles to address 15 mph speed limits on dirt roads in the nonattainment area that carry high traffic (e.g., 50-150 vehicles per day).

Responsible Agency and Authority for Implementation: City of El Mirage Public Works and Police Department will review current code under Chapter 13 to present to Council for possible amendment and enforcement.

A.R.S., Section 9-240: General Powers, Rights, and Liabilities

Personnel and/or Funding: The funding for enforcement is included in the annual operating budget and is not listed as a separate allocation.

Enforcement Program: A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Nonattainment Area Plans.

Monitoring Program: The City will submit progress reports to State and/or County agencies upon request.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: Pave or Stabilize Unpaved Shoulders – This measure would require all unpaved shoulders to be paved or stabilized on targeted roads with high traffic volumes and heavy truck traffic. (MAG Measure 35)

Measure Description: The Public Works Department currently is stabilizing all unpaved shoulders on the four main high traffic areas with Soiltac® an environmental friendly polymer-based emulsion that is PM-10 compliant.

Responsible Agency and Authority for Implementation: City of El Mirage Public Works Department

A.R.S., Section 9-240: General Power of Council

Implementation Schedule: Stabilization of unpaved shoulders began in May 2007 and will be completed by the end of June 2007. This will be an ongoing annual application.

Personnel and/or Funding: The unpaved shoulders cover an area of 633,600 square feet at a cost of \$28,883.01. All costs include product and application.

Enforcement Program: A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Nonattainment Area Plans.

Monitoring Program: The City will submit a progress report to State and/or County agencies upon their request.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULULATE POLLUTION**

Measure Title: Restrict vehicular use and parking on vacant lots and the enforcement of trespass ordinances and codes – This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant land and the enforcement of vehicle trespass ordinances and codes for vacant lots. (MAG Measure 38 & 39)

Measure description: Vehicle use on public or private property is regulated through our City Code Section 13-4-1 Excessive Dust. The code requires signs and barriers on vacant lots by property owners and makes it unlawful for operation of a vehicle on or across the vacant lot. The code will be reviewed and strengthen existing rules. The city will review penalties to this chapter and propose civil sanctions as part of the enforcement process.

Responsible Agency and Authority for Implementation: City of El Mirage Community Development and Code Enforcement Division.

A.R.S., Section 9-240: General Power of Council

Implementation Schedule: Review current code and present updated code to City Council by March 2008.

Personnel and/or Funding: Funding for enforcement is included in the annual operating budget for the departments listed above and is not listed as a separate budget allocation.

Enforcement Program: A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Nonattainment Area Plans.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULULATE POLLUTION**

**Measure Title:** The City of El Mirage will conduct an inventory of dirt roads, alleys and estimated traffic counts. The City of El Mirage will update this inventory annually to measure progress in eliminating dirt roads and alleys. (MAG - Measure 51)

**Measure Description:** The City of El Mirage Public Works department will develop an inventory of dirt roads, alleys and estimated traffic counts. This will assist in the development of a plan to eliminate these dirt roads by the following methods:

1. Pave
2. Apply chemical/organic stabilizers in sufficient concentration and frequency to maintain a stabilized surface.
3. Apply and maintain surface gravel uniformly to stabilize the surface.
4. A stabilization method approved by the city.

The City of El Mirage will update this inventory annually to measure the progress in eliminating dirt roads and alleys.

**Responsible Agency and Authority for Implementation:** The City of El Mirage Public Works Department, Streets Division.

**Implementation Schedule:** The Public Works Department will begin inventory July 2007 and have completed by March 2008.

**Personnel and/or Funding:** Current personnel and funding is available in the FY 2007/08 budget.

**Enforcement Program:** MAG will request annual updates for all jurisdictions so they can report to the Governor's Office, Legislature, The Arizona Department of Environmental Quality and the Environmental Protection Agency.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: The Arizona State Legislature provide funding to this region for paving dirt roads and shoulders and provide a funding source to local governments for the enforcement of nonpermitted sources, such as unpaved parking, unpaved vehicle staging areas, unpaved roads, unpaved shoulders, vacant lots and open areas. Also to provide funding to Maricopa County for additional inspectors for the enforcement of Maricopa County Rule 310. (MAG Measure 53)

Measure Description: The City of El Mirage will submit a resolution for consideration to the Arizona League of Cities and Towns for the 2007 Resolution Committee.

Responsible Agency and Authority of Implementation: This measure will be implemented by the City of El Mirage and one other city in Maricopa County by the Intergovernmental Affairs office supported by their City's Council. All resolutions will be heard by the Resolutions Committee for support for the 2008 Legislative Session.

Implementation Schedule:

- June 30, 2007 - Finding co-sponsors for the resolution
- July 2, 2007 - Deadline for resolution to be submitted to the League office
- August 28, 2007 - First Resolutions Committee meeting at the Annual Conference in Scottsdale
- Late Summer – 2007 - Final meeting of Resolutions Committee
- January 2008 - July 2008 – Development of bill and sponsor for 2008 Legislative Session

Level of Personnel and Funding Allocated for Implementation: Administration and implementation of this measure will require .25 staff member included in the city's FY 2007/08 budget. League of Arizona Cities and Town's legislative staff will provide support of the resolution and the future development of a bill to be introduced in the 2008 legislative session.

Enforcement Program: The measure will be developed for 2007 Resolution Committee. If the resolution is passed, the development of a bill and sponsorship will be supported by members of Arizona League of Cities and Towns and the organizations staff.

Monitoring Program: Arizona League of Cities and Towns will document progress of the resolution's future bill and provide updates to all member agencies.

**TOWN OF FOUNTAIN HILLS**

**RESOLUTION NO. 2007-45**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS, ARIZONA, COMMITTING TO IMPLEMENT CERTAIN MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA.**

**WHEREAS, the Maricopa Association of Governments ("MAG") has been designated by the Governor of Arizona as the regional air quality planning agency in Maricopa County; and**

**WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and**

**WHEREAS, because the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006, a plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and**

**WHEREAS, MAG has produced a plan that includes measures to reduce PM-10 emissions by five percent per year (the "Five Percent Plan"); and**

**WHEREAS, ARIZ. REV. STAT. § 49-406(G) requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies (i) its authority for implementing the measure as provided in statute, ordinance, or rule, (ii) a program for enforcement of the measures (iii) and the level of personnel and funding allocated to the implementation of the measure; and**

**WHEREAS, the Town of Fountain Hills (the "Town") is empowered to implement measures of the Five Percent Plan pursuant to ARIZ. REV. STAT. § 9-240.**

**NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE TOWN OF FOUNTAIN HILLS as follows:**

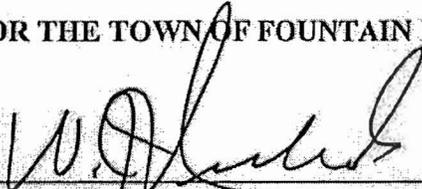
**SECTION 1. That the Town agrees to proceed with a good faith effort to implement the Five Percent Plan measures set forth in Exhibit A, attached hereto and incorporated herein by reference.**

**SECTION 2. That the Town commits to implement the measures as scheduled and with the funding sources identified in Exhibit A. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the Town agrees to consider modifications of the funding or schedules for implementation actions, if necessary.**

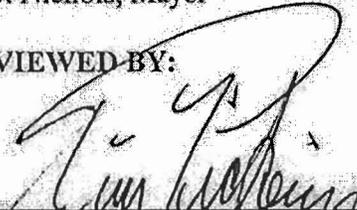
**SECTION 3. That the Mayor, the Town Manager, the Town Clerk and the Town Attorney are hereby authorized and directed to execute all documents and take all steps necessary to carry out the purpose and intent of this Resolution.**

PASSED AND ADOPTED BY the Mayor and Council of the Town of Fountain Hills,  
August 2, 2007.

FOR THE TOWN OF FOUNTAIN HILLS:

  
\_\_\_\_\_  
W. J. Nichols, Mayor

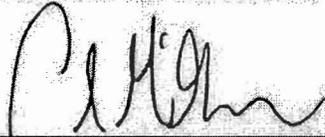
REVIEWED BY:

  
\_\_\_\_\_  
Timothy G. Pickering, Town Manager

ATTESTED TO:

  
\_\_\_\_\_  
Bevelyn J. Bender, Town Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
Andrew J. McGuire, Town Attorney

**EXHIBIT A  
TO  
RESOLUTION NO. 2007-45**

**[Five Percent Plan Measures]**

**See following pages.**

## **PM-10 Measures**

**Measure 1 - Public education and outreach with assistance from local governments.**  
(Planning & Zoning and Public Works)

Measure description: Distribute informational brochures and bulletins produced by the Arizona Department of Environmental Quality (ADEQ) and Maricopa County in the Town quarterly newsletter, the Compass. Provide educational materials to contractors, engineers and architects when they are at Town Hall. The Town has a telephone hot line. Include dust control as item to be monitored on the hotline.

Responsible Agency and Authority for Implementation: Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council.

Implementation Schedule: The Town of Fountain Hills will assist Maricopa County in increasing public awareness of the PM-10 problems to Fountain Hills residents. The Town will utilize the materials and/or information developed by the County and ADEQ, and distribute/communicate them through various methods, e.g., neighborhood outreach and HOA meetings, Town webpage, Cable TV-Channel 11, citizen and employee newsletters, and brochures at the Town's public facilities, including the library.

Level of Personnel and Funding Allocated for Implementation: The Town Public Information Officer (PIO) is responsible for the Town's public information and community outreach programs. Funding for the implementation of this measure will be absorbed in the department's budget allocation.

Enforcement Program: The measure will be enforced by the Public Works Director and Planning and Zoning Director and their appropriate staff.

Monitoring Program: Town staff will track and the number and type of calls received regarding dust issues to determine the effectiveness of the outreach campaign. The Town will submit progress reports when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: None required. See Town Code 9-3 and 12-2-11, attached.

Fountain Hills Town Code

Article 9-3

**WATERCOURSE PRESERVATION AND HABITAT ORDINANCE**

**Sections:**

- 9-3-1 Purpose and Intent
- 9-3-2 Definitions
- 9-3-3 Development of Washes
- 9-3-4 Voter Approval of Development
- 9-3-5 Restrictions on Transfer or Alienation
- 9-3-6 Modification, Amendment or Appeal
- 9-3-7 Severability

**Section 9-3-1 Purpose and Intent**

Washes owned by the town are valuable natural resources that contribute to the quality of life for the residents of the town. Such washes assist in natural groundwater recharge, support wildlife habitat and provide natural open space. The washes are an integral part of the town's unique Sonoran Desert heritage. The washes are our legacy to the citizens of the town. These regulations are specifically intended to accomplish the following:

- A. Maintain the natural state of any washes now owned by the town or to be acquired by whatever means by the town.
- B. Provide for natural groundwater recharge.
- C. Provide for wildlife corridors.
- D. Provide open space areas in a natural and unaltered desert environment.

**Section 9-3-2 Definitions**

- A. "Development" means any human alteration to the natural state of the land including its vegetation, soil, geology or hydrology for any use except flood control, fire control and matters of public safety or emergency, or easement use or maintenance, or maintenance of any existing structure or fixture existing as of the twenty-eighth day of May, 1996.
- B. "Wash" means any natural watercourse as existing on land owned or to be owned by the town including the immediately adjacent banks of any such wash.

**Section 9-3-3 Development of Washes**

No development of any wash shall occur except by an affirmative vote of town electors in any general election held by the town.

## Fountain Hills Town Code

### Section 9-3-4 Voter Approval of Development

Any proposed development of any wash, submitted for voter approval, shall be submitted only after comprehensive studies including, but not limited to the following, have occurred and have been made available in their entirety to the public in at least three open meetings, preceded by at least seven days notice, and at least thirty days prior to any general election:

- A. A comprehensive inventory and study of, and impact on all vegetation, wildlife and existing recreational uses to be impacted by any proposed development.
- B. Comprehensive recommendations to mitigate any impact to vegetation, wildlife and existing recreational uses.
- C. All alternatives to such development.
- D. Review and analysis of capital costs of any proposed development, including projections of any maintenance expenses projected out at least five years.

### Section 9-3-5 Restrictions on Transfer or Alienation

No sale, swap, trade, lease, transfer or other alienation of any town interest in any wash shall occur without affirmative approval of town electors voting in any town general election.

### Section 9-3-6 Modification, Amendment or Appeal

This article shall not be amended, modified or repealed except by affirmative vote of the town electors voting in any general town election.

### Section 9-3-7 Severability

Should any section of this article be determined to be void, unlawful or of no effect, the remaining sections shall continue to be fully applicable and shall be deemed to be in full force and effect.

## FOUNTAIN HILLS TOWN CODE

ditch or waste ditch in which said person has a vested right or interest or through the willful or negligent failure of said person to accept irrigation water after it has been ordered by him.

### Section 11-1-14 Discharge of Firearms

- A. Except as provided in Subsection "C" below, no person shall fire, discharge or shoot any weapon within the corporate limits of the town.
  - B. For the purposes of this section only, "weapon" shall mean any firearm or bow and arrow, including but not limited to, a pistol, revolver, rifle, shotgun, air gun, BB gun, pellet gun, dart gun, gas operated gun, crossbow or other similar gun or instrument.
  - C. The provisions of Subsections "A" and "B" above shall not apply to the use of any gun or instrument by:
    - 1. A law enforcement officer or other duly authorized public official in performance of an official law enforcement duty.
    - 2. Any person at a properly licensed and supervised shooting range.
    - 3. Any person when such weapon is used only for the necessary protection of property, habitation or person in a manner authorized by the laws of the State of Arizona.
  - D. For the purposes of this section only, "properly licensed and supervised shooting range" means a shooting range operated by a club affiliated with the National Rifle Association of America, The Amateur Trapshooting Association, The National Skeet Association or any other nationally recognized bow and arrow or firearm shooting organization, any agency of the federal government, the State of Arizona, Maricopa County, the Town of Fountain Hills or any public or private school.
  - E. Any person who violates, disobeys, omits, neglects or refuses to comply with, or who resists the enforcement of any of the provisions of this article shall, upon conviction thereof, be guilty of a Class 1 misdemeanor.
  - F. Nothing in this section shall be interpreted to infringe upon a citizen's right to bear arms as guaranteed by the United States Constitution.
- (98-07, Amended, 02/19/1998)

### Section 11-1-15 Smoking Prohibited

It is unlawful for any person to smoke tobacco in any form in any building owned or directly leased by the town.

### Section 11-1-16 Criminal Trespass

- A. Definitions. As used in this Section, unless the context clearly requires otherwise:

## FOUNTAIN HILLS TOWN CODE

1. "Entering or remaining unlawfully" means an act of a person who enters or remains on premises when such person's purpose for so entering or remaining is not licensed, authorized or otherwise privileged.
  2. "Entry" means the intrusion of any part of any instrument or any part of a person's body inside the external boundaries of a structure or unit of real property.
  3. "Fenced commercial yard" means a unit of real property surrounded completely by either fences, walls, buildings, or similar barriers or any combination thereof, and used primarily for business operations or where livestock, produce or other commercial items are located.
  4. "Fenced residential yard" means a unit of real property immediately surrounding or adjacent to a residential structure and enclosed by a fence, wall, building or similar barrier, or any combination thereof.
  5. "Nonresidential structure" means any structure other than a residential structure.
  6. "Residential structure" means any structure, movable or immovable, permanent or temporary, adopted for both human residence and lodging whether occupied or not.
  7. "Structure" means any building, object, vehicle, railroad car or place with sides and a floor, separately securable from any other structure attached to it and used for lodging, business, transportation, recreation or storage.
- B. A person commits criminal trespass by knowingly:
1. Entering or remaining unlawfully in or on a residential structure or a fenced residential yard.
  2. Entering any residential yard and, without lawful authority, looking into the residential structure thereon in reckless disregard of infringing on the inhabitant's right of privacy.
  3. Entering or remaining unlawfully on any real property after a reasonable request to leave by the owner or any other person having lawful control over such property, or reasonable notice prohibiting entry.
  4. Entering or remaining unlawfully in or on any nonresidential structure or in any fenced commercial yard.
  5. Entering or remaining unlawfully on the property of another and burning, defacing, mutilating or otherwise desecrating a religious symbol or other religious property of another without the express permission of the owner of the property.
- C. Criminal Trespass is a class 1 misdemeanor.
- D. In the event the defendant charged is a juvenile, the parents or other adult persons with whom the juvenile resides or who have custody over such juvenile shall be likewise cited and shall be subject to the fines provided herein.
- E. The Town Manager is authorized to (1) offer a reward for the apprehension of parties who might be guilty of violation of this section and (2) solicit reward funds and other cooperation from the citizens and businesses within Fountain Hills. (06-15, Added, 06/15/2006)

## Fountain Hills Town Code

line of march, destination and such other regulations as the town may set forth therein.

- B. A funeral procession composed of a procession of vehicles shall be identified by such methods as may be determined and designated by the town.
- C. No driver of a vehicle shall drive between the vehicles comprising a funeral or other authorized procession while they are in motion and when such vehicles are conspicuously designated. This provision shall not apply at intersections where traffic is controlled by traffic control signals or the town law enforcement agent.
- D. Each driver in a funeral or other procession shall drive as near to the right hand edge of the roadway as practical and shall follow the vehicle ahead as close as is practical and safe.

### Section 12-2-11 Operation of Vehicles on Vacant Lots

No person shall operate a vehicle on or across any portion of a vacant lot other than on an established dust-proof driveway, except during activities authorized by the town.

### Section 12-2-12 Commercial Vehicles Prohibited on Certain Streets

- A. No person shall operate any commercial vehicle exceeding eight thousand pounds gross vehicle weight at any time upon any town streets except those streets or parts of streets described as truck routes.
- B. In the event a pickup or delivery point is not located on a truck route but is located within the corporate limits of the town, then a person operating a commercial vehicle may leave an adopted truck route by the nearest route to make a delivery or pickup after which the vehicle must return immediately by the nearest route to an adopted truck route.
- C. The designated truck routes shall be:
  - 1. The full length of Palisades Blvd.
  - 2. Technology Drive from 100 feet north of Saguaro Boulevard to Shea Boulevard.
  - 3. Saguaro Boulevard. from Fountain Hills Boulevard south to 600 feet southwest of Firebrick Drive.
  - 4. Laser Drive from Technology Drive west to end of cul de sac east of Leo Drive.
  - 5. Grande Boulevard from the eastern town limits to Saguaro Boulevard.
  - 6. Fountain Hills Boulevard from Saguaro Boulevard to the northern town limits.
- D. Notwithstanding any of the provisions of this section, no person shall operate any commercial vehicle exceeding eight thousand pounds gross vehicle weight on any street within the town except upon designated through truck routes when such operation is not in connection with a delivery or pickup within the corporate limits of the town. Designated through truck routes shall

**Measure 22 - Reduce off-road vehicle use in areas with high off-road vehicle activity.  
(Planning & Zoning and Public Works)**

**Measure description:** This measure would involve development and enforcement of ordinances or implementation of other actions to prevent or discourage off-road vehicle use in the PM-10 nonattainment area.

**Responsible Agency and Authority for Implementation:** Legal authority for this action is provided under A.R.S § 9-240, General Powers of Common Council.

**Implementation Schedule:** Code enforcement will monitor the annexed 2 square miles and note violations that may occur from July 1, 2007 to June 30, 2008. If a problem is noted, code revisions will be taken to Town Council.

**Level of Personnel and Funding Allocated for Implementation:** The code enforcement staff will monitor the area during the normal course of the day. Funding for the implementation of this measure is determined in the Town's annual budget process.

**Enforcement Program:** This measure will be enforced by the Planning & Zoning Department and Maricopa County Sheriff's Office (MCSO).

**Monitoring Program:** Town staff will track the number and type of calls received regarding dust issues to determine the effectiveness of the Town Code. The Town will submit progress reports when requested by outside agencies.

**Measure 29 - Sweep streets with PM-10 certified street sweepers.**

**Measure description:** Gutter sweeps conducted on all streets quarterly, with full width sweeping annually. Gutters sweeps conducted on all arterial streets and commercial area collector streets monthly. Purchase a second PM-10 certified street sweeper and retire the non-certified PM-10 street sweeper.

**Responsible Agency and Authority for Implementation:** This measure is being implemented by the Town Public Works Department. Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council.

**Implementation Schedule:** The Town has received a grant to purchase a second PM-10 street sweeper. The second PM-10 street sweeper has been ordered and should be delivered by January, 2008. This will bring the Town in compliance.

In the event that the Town elects to use a private vendor to sweep public Town streets, the Town will require the vendor to use PM-10 certified street sweepers.

**Level of Personnel and Funding Allocated for Implementation:** The Town portion for the purchase of the second PM-10 sweeper is approximately \$25,000. This program is fully funded.

**Enforcement Program:** The enforcement function will be staffed and administered by the Public Works Department.

**Monitoring Program:** The Town Street Department will prepare the necessary street sweeping plans, vendor requirements, and document progress made in implementing this measure. The Town will prepare and submit progress reports when requested by outside agencies.

**Measure 31 - Pave or stabilize existing unpaved parking lots.**

**Measure description:** The Town has one unpaved parking lot adjacent to the Town dog park. This parking lot will be paved during the spring of 2008.

**Responsible Agency and Authority for Implementation:** The measure will be implemented by the Town Parks and Recreation Department. Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council.

**Implementation Schedule:** The Town has requested a grant to assist with the parking lot paving. This parking lot will be paved during the spring of 2008.

**Level of Personnel and Funding Allocated for Implementation:** The Town has budgeted approximately \$110,000 to pave the dog park parking lot.

**Enforcement Program:** The enforcement function will be administered by the Public Works Department.

**Monitoring Program:** The Town will submit progress reports to the State and/or County agencies upon request.

**Measure 32 - Pave or stabilize existing public dirt roads and alleys.**

Measure description: The Town does not have any dirt roads. The Town has five unpaved alleys in design to pave in future phases over the next five years.

Responsible Agency and Authority for Implementation: The Town Public Works Department and Town Parks and Recreation Departments. Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council.

Implementation Schedule: The Town Parks and Recreation Department plans to pave the alley between Desert Vista and Tower Drive by the spring of 2008. The balances of the alleys are in process of design to hard surface the alleys or abandon the alleys to the adjacent property owners. Alleys will be paved as funds are available in the Town budget process.

Level of Personnel and Funding Allocated for Implementation: The Town is in process of funding the improvements. The Town portion of paving the dirt alley adjacent to the dog park is approximately \$150,000. The estimated constructions cost of the other dirt alleys is \$1,400,000.

Enforcement Program: The enforcement function will be staffed and administered by the Public Works Department and the Parks and Recreation Department.

Monitoring Program: The Town will submit progress reports to the State and/or County agencies upon request.

**Measure 33 - Limit speeds to 15 miles per hour on high traffic dirt roads.**

Measure description: This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic (e.g., 50 to 150 vehicles per day).

The Town of Fountain Hills does not have unpaved public dirt roads.

Responsible Agency and Authority for Implementation: N/A

Implementation Schedule: N/A

Level of Personnel and Funding Allocated for Implementation: N/A

Enforcement Program: N/A

Monitoring Program: N/A

**Measure 35 - Pave or stabilize unpaved shoulders.**

Measure description: This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., 2000 vehicles or 50 heavy duty trucks per average weekday).

Responsible Agency and Authority for Implementation: The Town Public Department will enforce this item.

Implementation Schedule: Maintenance will be scheduled on a five-year plan and linked to the Capital Improvement Plan for funding

Level of Personnel and Funding Allocated for Implementation: The Town will include \$50,000 in the budget for stabilizing shoulders.

Enforcement Program: The enforcement function will be staffed and administered by the Public Works Department.

Monitoring Program: The Town will submit progress reports to the State and/or County agencies upon request.

**Measure 38 - Restrict vehicular use on vacant lots.**  
(Planning and Zoning)

**Measure description:** Continue enforcing the existing zoning ordinances that requires hard surfaces (Asphalt or concrete) for parking, driving or storage of any vacant or occupied lot.

**Responsible Agency and Authority for Implementation:** This measure will continue to be implemented by the Planning and Zoning Department and Maricopa County Sheriff's Office.

**Implementation Schedule:** Code enforcement staff will identify vehicular use and parking on vacant lots. Data will be gathered over the next 12 months to document cases where vehicular use and parking on vacant lots is taking place. If problem sites are identified, existing Town Codes provisions will be enforced

**Level of Personnel and Funding Allocated for Implementation:** Code Enforcement personnel will perform monitoring activity during the normal course of their daily work activities.

**Enforcement Program:** Code Enforcement personnel will continue to meet with violators, seek compliance and prosecute if necessary.

**Monitoring Program:** The Town will submit progress reports to the State and/or County agencies upon request.

**Measure 39 - Enhanced enforcement of trespass ordinances and codes.**  
(Planning and Zoning)

Measure description: Monitor the motor vehicular trespass activity from July 1, 2007 to June 30, 2008, to determine whether a problem exists.

Responsible Agency and Authority for Implementation: Planning & Zoning Department is responsible for implementing this task. Legal authority for this action is provided under A.R.S. § 9-240, General Powers of Common Council.

Implementation Schedule: Data will be gathered from July 1, 2007 to June 30, 2008. If a problem exists, staff will develop a plan for review and approval by Town Council.

Level of Personnel and Funding Allocated for Implementation: Code Enforcement personnel will monitor unauthorized vehicular activity during the course of their normal work duties.

Enforcement Program: The Town contracts with the Maricopa County Sherriff's Office for enforcement. Any Town trespass violations will be referred to the Maricopa County Sherriff's Office.

Monitoring Program: The Town will submit progress reports to the State and/or County agencies upon request.

**TOWN OF GILBERT**

RESOLUTION NO. 2788

A RESOLUTION OF THE COMMON COUNCIL OF  
THE TOWN OF GILBERT, ARIZONA TO IMPLEMENT  
MEASURES TO REDUCE PM-10 PARTICULATE  
MATTER

WHEREAS, the Maricopa Association of Governments has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County non-attainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County non-attainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

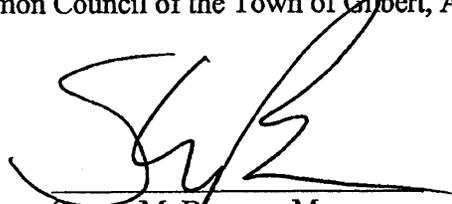
WHEREAS, Arizona Revised Statutes 49-406 (G) requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance, or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE, BE IT RESOLVED by the Common Council of the Town of Gilbert, Arizona, as follows;

SECTION 1. That the Council of the Town of Gilbert agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this resolution.

SECTION 2. That the Council of the Town of Gilbert commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the Town agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

PASSED AND ADOPTED by the Common Council of the Town of Gilbert, Arizona this 19<sup>th</sup> day of June 2007.



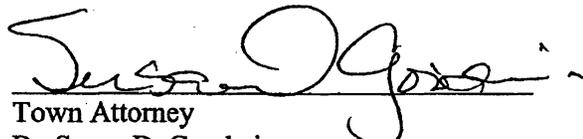
Steven M. Berman, Mayor

ATTEST:



Catherine A. Templeton, CMC, Town Clerk

APPROVED AS TO FORM:



Town Attorney  
By Susan D. Goodwin

Exhibit A  
TOWN OF GILBERT'S COMMITTED MEASURES  
TO REDUCE PM-10 PARTICULATE MATTER

**Measure: Public Education and Outreach (MAG Measure #1)**

**Measure Description:**

The Town of Gilbert distributes outreach materials from Maricopa County air quality campaigns as they are received at various Municipal facilities, and the Southeast Regional Library. New materials provided by the County and State, will be distributed as they become available. In addition, the Town publishes outreach materials on air quality for distribution at the above-mentioned locations.

The Town will continue to publish articles in Town publications on particulates and other air quality issues, including information to encourage residents to avoid dust-generating activities. The outreach efforts will also address the proper use of leaf blowers. Town publications include *Your Town*, circulated to all Town residents, and *Talk of the Town*, the employee newsletter. Information on air quality is accessible on the Town internet website with links to the Arizona Department of Environmental Quality and Maricopa County Air Quality Department.

The Town produces a public information broadcast, also titled *Your Town*, presented on the Gilbert government cable channel. The Town will produce segments for the broadcast focusing on educating citizens on how they can assist in addressing air quality, dust control, and the proper use of leaf blowers. In addition, any digitally recorded information provided by the County or ADEQ could be broadcast as well.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Town Managers Office  
Town of Gilbert, Risk Management Department  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers

**Implementation Schedule:**

Materials for the Maricopa County campaigns continue to be distributed. Distribution of other materials from the State and County will be distributed, as they become available. Publication and production of air quality articles, government cable channel and website information is on going. Distribution estimates: Circulation for Town publications include: *Your Town* -60,000 direct mailed to Gilbert citizens monthly; *Talk of the Town* -1,000 delivered with paychecks to employees monthly. The Town Environmental Programs homepage has approximately 11,500 hits per year. *Your Town* broadcasts daily, at various times, on channel 11 each month potentially reaching 42,347 cable subscribers.

**Personnel and/or Funding:**

Outreach programs will be conducted within the operating budget for the Town Managers Office and Risk Management Department. The budget for the production of Town publications and broadcasts are included in the annual budget.

**Enforcement Program:**

This measure does not involve an Ordinance or Code therefore no direct enforcement program is required.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Measure: Pave or Stabilize Existing Unpaved Parking Lots (MAG Measure #31)**

**Measure Description:** In 1998, the Town of Gilbert committed to establishing code 1-30-10 that requires parking lots used in connection with industrial or commercial uses of property; and which contain at least five parking spaces or have a gross area greater than 2,000 square feet shall be paved or dust-proofed by the owner of such parking lot. Paving and dust proofing shall meet standards adopted by the department of public works. Currently it is believed that all known permanent unpaved industrial or commercial parking lots are stabilized to approved Town standards. Temporary unpaved parking lots are identified as they arise and reported to Maricopa County Air Quality Department.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Code Compliance Department  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers  
Code of Gilbert Arizona, Section 30-10: Environment

**Implementation Schedule:**

On-going

**Personnel and/or Funding:**

Funding for Code Compliance enforcement is included in the annual operating budget and is not listed as a separate allocation.

**Enforcement Program:**

Enforcement of Town code 30-10 occurs on both an observation and complaint basis. Code Compliance is located with the Development Services Department and responsible for enforcing this code. Code Compliance Officers educate, warn of non-compliance, and issue notices of violation for repeat offenders.

A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Measure: Restrict Vehicle Use and Parking on Vacant Lands (MAG Measure #38)**

**Measure Description:** Town of Gilbert code restricts vehicle use and parking on vacant lands by making it illegal to access property that is not paved or dust-proofed with a motor vehicle, without the written permission of the property owner. The Town adheres to Maricopa County Rule 310.01 by fencing off or otherwise controlling access to Town owned vacant lands, and stabilizing the surface with an approved stabilization method. These restrictions are based upon the following Town Codes and Policies.

**Town of Gilbert Code 62-5, Operating or driving; owner's permission required.** It is unlawful to operate or drive any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter or other form of transportation propelled by an internal combustion engine on or across the property of another if that property is not paved or dust-proofed in accordance with the standards adopted by the department of public works and without the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either in the operator's possession. **Parking; owner's permission required.** It shall be unlawful to park or leave any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter, motor home, mobile home, travel trailer, camper, boat, trailer or other form of recreational vehicle or form of transportation upon the private property of another, without displaying in public view the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either.

**Town Property:** The Town of Gilbert owns properties acquired for future parks or other facilities, safety condemnations, and other such uses. Periodic inspections are conducted by the Environmental Programs Coordinator, Community Services, or the department who maintains the property, to ensure the properties are stabilized in compliance with Maricopa County Rule 310.01. Stabilization methods include heavy watering, rock products, chemical stabilizers, and other approved stabilization methods. In addition, access is controlled with signs, berms, fencing, bollards, boulders, or other methods as necessary.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Police Department  
Town of Gilbert, Community Services Department  
Town of Gilbert, Risk Management Department  
Town of Gilbert, Public Works Department  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers  
Code of Gilbert Arizona, Section 30-10: Environment  
Code of Gilbert Arizona, Section 62-5: Traffic and Vehicles

**Implementation Schedule:**

On-going

**Personnel and/or Funding:**

Funding for all Department tasks are included in the annual operating budget and are not listed as a separate allocation.

**Enforcement Program:**

The Police Department enforces parking violations by issuing citations on an observation and complaint basis. Other departments listed above work in conjunction with the Police Department. Code compliance works to observe violations of code 62-5 and notifies vehicle owners that they are in violation of Town code and need to remove their vehicle. In a location of frequent violations, code enforcement contacts the property owner. Any vehicles found illegally parking on Town of Gilbert property are towed at the owner's expense.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Measure: Reduce Off-Road Vehicle Use in Areas with High Off-Road Vehicle Activity (MAG Measure #22)**

**Measure: Enforcement of Trespass Ordinances and Codes (MAG Measure #39)**

**Measure Description:** The Town regulates trespassing and off-road vehicle use by making it illegal to use any motor vehicle on unpaved or non-dust-proofed property without possession of written permission of the property owner. The Town's regulation of trespass and off-road vehicle use are based on the following Town Codes and Policies:

**Town of Gilbert Code 62-5, Operating or driving; owner's permission required.** It shall be unlawful to operate or drive any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter or other form of transportation propelled by an internal combustion engine on or across the property of another if that property is not paved or dust-proofed in accordance with the standards adopted by the department of public works and without the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either in the operator's possession.

**Town Property:** The Town of Gilbert owns properties acquired for future parks or other facilities, safety condemnations, and other such uses. Periodic inspections are conducted by the Environmental Programs Coordinator, Community Services, or the department who maintains the property, to ensure the properties are stabilized in compliance with Maricopa County Rule 310.01. Stabilization methods include heavy watering, rock products, chemical stabilizers, and other approved stabilization methods. In addition, access is controlled with signs, berms, fencing, bollards, boulders, or other methods as necessary.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Code Compliance Department  
Town of Gilbert, Police Department  
Town of Gilbert, Community Services Department  
Town of Gilbert, Risk Management Department  
Town of Gilbert, Public Works Department  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers  
Code of Gilbert Arizona, Section 62-5: Traffic and Vehicles

**Implementation Schedule:**

On-going.

**Personnel and/or Funding:**

Funding for enforcement is included in the annual operating budget for the departments listed above.

**Enforcement Program:**

Gilbert Police Department is the primary enforcer of Town code 62-5. Other departments listed above work in conjunction with the Police Department to control trespassing and off-road vehicle use.

A.R.S., Section 49-406, grants the Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Measure:     Pave or Stabilize Unpaved Existing Public Dirt Roads and Alleys  
              (MAG Measure #32)**

**Measure Description:**

The Town of Gilbert has developed and implemented plans to pave or stabilize unpaved public dirt roads and alleys. In 2005, the Town developed a protocol to reduce reentrained dust emissions from paved roads that typically experience a high level of soil deposition. This protocol continues to be implemented. The Town maintains a list of existing public dirt roads and alleys. There are approximately 2.25 miles of alleys stabilized with millings or other such stabilization methods maintained by the Town of Gilbert. Prior to recent annexations, there were no unpaved public dirt roads in the Town of Gilbert. The newly annexed areas are being evaluated to determine public and private roadways. Upon determination of any newly annexed unpaved public dirt roads, the protocol will be applied, and at a minimum, the roads will be stabilized and maintained with priority being given to roads with more than 50 trips per day.

Town land development code requires that residential, industrial, and commercial developments design and construct right-of-way improvements to meet Town standards including, but not limited to, paving, curb, gutter, and sidewalk.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Public Works Department  
Town of Gilbert, Development Services Department  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers

**Implementation Schedule:**

The alleys are inspected, regraded and watered approximately monthly.  
Newly annexed public roads will be stabilized within 90 days of determination of public road status.

**Personnel and/or Funding:**

Roads and alleys are maintained by the Public Works Department and funding is allocated through the annual operating budget for the department.

**Enforcement Program:**

A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Measure: Pave or Stabilize Unpaved Shoulders (MAG Measure #35)**

**Measure Description:**

The Town of Gilbert has committed to reducing particulate emissions by paving or stabilizing unpaved shoulders. The Town's plan requires residential, industrial, and commercial developments to design and construct right-of-way improvements to meet Town standards including, but not limited to paving, curb, gutter, and sidewalk. The Town currently has 38 miles of unpaved shoulders bordering primarily rural roads. The pace at which these roads and shoulders are transitioning to arterial roads fronting new developments is very rapid. In addition, the Town utilizes approved methods of stabilization for any unpaved shoulders not currently under development by developers.

The Town's plan to stabilize shoulders will be updated to specify that the targeting and prioritization process will include consideration of unpaved shoulders on arterial roads and other segments where vehicle use on unpaved shoulders is evident or anticipated due to projected traffic volumes. Shoulders on roads with more than 2,000 trips per day will also be considered in the targeting/prioritization process. Traffic volumes, heavy truck traffic and PM-10 concentrations will be considered as well.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Public Works Department  
Town of Gilbert, Development Services Department  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers

**Implementation Schedule:**

Shoulders are inspected periodically to determine the need for stabilization. At a stabilization occurs on a quarterly basis.

The schedule for improvement of roadways with unpaved shoulders to be completed by developers is on going and can be monitored through the Transportation Improvement Plan with MAG and the Town's planning and development process.

**Personnel and/or Funding:**

Funding for personnel and resources is allocated through the annual budget process for each department.

**Enforcement Program:**

Developer plans are approved through the Development Services Department.

A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Measure:**     **Limit Speeds to 15 Mile-Per-Hour Speed Limits on High-Traffic Dirt Roads  
(MAG Measure #33)**

**Measure Description:**

The Town of Gilbert does not currently have any high-traffic dirt roads in the public road inventory.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Public Works Department  
Code of Gilbert Arizona, Section 1-37: Corporate Powers  
A.R.S., Section 9-240: General Powers of Council

**Implementation Schedule:**

The Town does not unpaved dirt roads.

**Personnel and/or Funding:**

Not applicable.

**Enforcement Program:**

A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Measure: Sweep Streets with PM-10 Certified Street Sweepers (MAG Measure #29)**

**Measure Description:**

The Town has CMAG funding available to purchase five PM-10 certified sweepers over the next three years to enhance the ability and frequency of sweeping on arterials to reduce PM-10 particulate on public roads. The Town currently has a fleet of 10 PM-10 certified sweepers of which seven are used for daily routine sweeping. The Public Works Department currently conducts all routine sweeping of Town streets with PM-10 certified sweepers. The Town does not use contract services for routine street sweeping.

**Implementing Agency and Authority for Implementation:**

Town of Gilbert, Public Works Department  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers

**Implementation Schedule:**

Three street sweepers will be purchased in FY07/08 and FY08/09 utilizing. The Town has an additional two street sweepers available with FY 2007 CMAG.

**Personnel and/or Funding:**

Total estimated cost for the each new sweeper is estimated at \$191,141.34  
The starting annual salary for each street sweeper operator is \$60,590

**Enforcement Program:**

A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

## **Measure: Restrict Use of Leaf Blowers**

### **Measure Description:**

The Town of Gilbert prohibits the use of leaf blowers by Town employees or contractors on high pollution advisory days. The Town distributes high pollution advisory notifications so that employees can take appropriate actions including prohibiting the use of leaf blowers and other dust generating activities.

Also, see Public Outreach MAG Measure #1. The Maricopa County Bring Back the Blue campaign includes tips to reduce dust from leaf blowers.

### **Implementing Agency and Authority for Implementation:**

Town of Gilbert, Community Services Department  
Town of Gilbert, Town Managers Office  
Town of Gilbert, Risk Management  
A.R.S., Section 9-240: General Powers of Council  
Code of Gilbert Arizona, Section 1-37: Corporate Powers

### **Personnel and/or Funding:**

Restricted use of leaf blowers by Town staff and contractors does not require additional staff or resources. Outreach is addressed in Public Outreach MAG Measure #1.

### **Enforcement Program:**

The Town Managers Office and Risk Management coordinate the outreach efforts. The Environmental Coordinator trains appropriate employees on the proper use of leaf blowers. Field staff supervisors are responsible for oversight of leaf blower use by Town staff. Landscape maintenance contractors are required by the terms of their contracts with the Town to abide by the policy.

A.R.S., Section 49-406, grants Maricopa County and the Arizona Department of Environmental Quality the authority to enforce measures defined in the Non-attainment Area Plans.

### **Monitoring Program:**

The City will submit progress reports to State and/or County agencies upon request.

sions of the Code printed in the supplement, and make changes in such catchlines, headings and titles;

- (3) Assign appropriate numbers to sections and other subdivisions to be inserted in the Code and, where necessary to accommodate new material, change existing section or other subdivision numbers;
- (4) Change the words "this ordinance" or words of the same meaning to "this chapter," "this article," "this division," etc., as the case may be, or to "sections \_\_\_\_\_ to \_\_\_\_\_," inserting section numbers to indicate the sections of the Code which embody the substantive sections of the ordinance incorporated into the Code; and
- (5) Make other nonsubstantive changes necessary to preserve the original meaning of ordinance sections inserted into the Code, but in no case shall any change be made in the meaning or effect of ordinance material included in the supplement or already embodied in the Code.

**Secs. 1-10—1-35. Reserved.**

## ARTICLE II. MAYOR AND COUNCIL\*

### DIVISION 1. GENERALLY

#### Sec. 1-36. Elected officers.

(a) The elected officers of the town shall be a mayor and six councilmembers. The mayor and councilmembers shall constitute the council and shall continue in office until their successors are elected and qualified.

(b) The term of office of the mayor and councilmembers shall be four years. Terms shall be staggered so that four councilmembers are elected at one election and two are elected the following election.

\*Cross references—Administration, ch. 2; officers and employees, § 2-31 et seq.; elections, ch. 26.

State law reference—Council generally, A.R.S. § 9-231 et seq.

(c) A candidate shall not run for both mayor and councilmember at the same election.

(Code 1984, § 2-1-5)

State law references—Council generally, A.R.S. § 9-231; staggering of terms of office, A.R.S. § 9-232.02.

#### Sec. 1-37. Corporate powers.

The corporate powers of the town shall be vested in the council and shall be exercised only as directed or authorized by law. All powers of the council shall be exercised by ordinance, resolution, order or motion.

(Code 1984, § 2-1-2)

#### Sec. 1-38. Filling of council vacancies.

The council shall fill a council vacancy by either of the following two methods, at the option of the council:

(1) By appointment for the unexpired term; or

(2) By appointment until the next regularly scheduled council election if the vacancy occurs more than 30 days before the nomination petition deadline. The councilmember appointed shall be a qualified elector in the town and shall meet the qualifications set forth in section 26-1. A councilmember elected pursuant to this paragraph shall be elected to serve for the unexpired term.

(Code 1984, § 2-1-4; Ord. No. 1522, § I.1., 9-30-03)

State law reference—Vacancies in council, A.R.S. § 9-235.

#### Sec. 1-39. Compensation.

(a) Except as provided in subsection (b), the compensation of elected officers of the town shall be fixed from time to time by resolution of the council, provided that the compensation of any elected officer shall not be increased or decreased except in conformance with the provisions of the state constitution, article IV, part 2, section 17.

(b) Effective July 1, 2007, the compensation paid to elected officers shall be automatically increased by the same percentage as provided to all employees of Gilbert as market rate or cost of

## ARTICLE I. IN GENERAL

### Sec. 30-1. Compliance required.

It is the policy of the mayor and council of the town that all town activities be done in compliance with all applicable environmental laws. The mayor and council of the town recognize they have the responsibility to ensure that town officers and employees comply with all applicable environmental laws and regulations. Thus, all town employees are hereby directed that when conducting activities on behalf of the town, they shall comply with all applicable environmental laws and cooperate with all federal or state jurisdictions with authority to enforce such laws in their implementing regulations. To accomplish this policy, all employees of the town should strive to become knowledgeable about those environmental laws and regulations which apply to their particular activities on behalf of the town. In addition, all employees are hereby required to report to their supervisor all incidents which may be in violation of applicable environmental laws or regulations.

(Ord. No. 1580, § I, 8-3-04)

Ord. No. 1580, § I, adopted Aug. 3, 2004, redesignated the former § 30-1 as § 30-10.

### Sec. 30-2. Environmental programs coordinator.

The personnel director shall be responsible for coordinating the internal environmental compliance programs and training for the town.

(Ord. No. 1580, § I, 8-3-04)

### Secs. 30-3—30-9. Reserved.

### Sec. 30-10. Paving or dust-proofing required on certain parking lots.

Parking lots used in connection with industrial or commercial uses of property and which contain at least five parking spaces or have a gross area greater than 2,000 square feet shall be paved or dust-proofed by the owner of such parking lot not

later than March 1, 1999. Paving and dust-proofing shall meet standards adopted by the department of public works.

(Ord. No. 1091, § I, 2-17-98; Ord. No. 1580, § I, 8-3-04)

*Editor's note*—See editor's note to § 30-1.

### Secs. 30-11—30-30. Reserved.

## ARTICLE II. FIREPLACE RESTRICTIONS\*

### Sec. 30-31. Purpose.

The purpose of this article is to regular fireplaces, woodstoves, or other solid-fuel burning devices in new construction to reduce the amount of air pollution caused by particulate matter and carbon monoxide.

(Ord. No. 1066, § I, 11-25-97)

### Sec. 30-32. Definitions.

For purposes of this article, the following words and terms shall be defined as follows:

*Fireplace* means a built in place masonry hearth and fire chamber or a factory-built appliance, designed to burn solid fuel or to accommodate gas or electric log insert or similar device, and which is intended for occasional recreational or aesthetic use, not for cooking, heating or industrial processes.

*Solid fuel* includes but is not limited to wood, coal or other nongaseous or nonliquid fuels, including those fuels defined by the Maricopa County Air Pollution Control Officer as "inappropriate fuel" to burn in residential woodburning devices.

*Woodstove* means a solid-fuel burning heating appliance including a pellet stove, which is either freestanding or designed to be inserted into a fireplace.

(Ord. No. 1066, § I, 11-25-97)

*\*Editor's note*—The effective date of the regulations and prohibitions set forth in this article shall be January 1, 1999.

Collector streets that have no median or painted dual left turn lane or that have a public park(s) adjacent unless otherwise posted.

### 15 MPH

School zones, when marked.

(Code 1984, § 12-1-6; Ord. No. 963, § 1, 12-19-95; Ord. No. 1012, § 1, 1-7-97; Ord. No. 1411, § I, 9-3-02; Ord. No. 1495, § I, 7-8-03)

### Sec. 62-3. Trains blocking highway crossings.

Any engineer, conductor or other employee of any corporation operating a railway in this state, who shall suffer or permit any locomotive or cars to be or remain upon the crossing of any street over such railway so as to obstruct travel over such crossing for a period exceeding ten minutes, except in cases of unavoidable accident, is guilty of a misdemeanor.

(Code 1984, § 12-1-7)

### Sec. 62-4. Unnecessary vehicle noise.

No person shall intentionally:

- (1) Operate any motor vehicle at such a speed on a curve or a turn so as to create loud and unnecessary noise through the squealing of tires upon the roadway; or
- (2) Accelerate or decelerate such vehicle in such a manner as to create loud or unnecessary noise through the squealing of tires upon the roadway or to cause damage to the roadway.

(Code 1984, § 12-1-8)

**State law references**—Speed restrictions, A.R.S. § 28-701 et seq.; alteration of speed limits by local authorities, A.R.S. § 28-703.

### Sec. 62-5. Vehicles on private property; unauthorized sale; enforcement of section.

(a) *Operating or driving; owner's permission required.* It shall be unlawful to operate or drive any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter or other form of transportation propelled by an internal combustion engine on or across the property of another if that property is not paved or dust-proofed in

accordance with the standards adopted by the department of public works and without the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either in the operator's possession. This subsection shall be effective from and after March 1, 1999.

(b) *Parking; owner's permission required.* It shall be unlawful to park or leave any motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter, motor home, mobile home, travel trailer, camper, boat, trailer or other form of recreational vehicle or form of transportation upon the private property of another, without displaying in public view the written permission of the property owner or the person entitled to immediate possession thereof or the authorized agent of either.

(c) *Sales; permits required.* It shall be unlawful for a person to park or place a motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter, motor home, mobile home, travel trailer, camper, boat or trailer upon the real property of another for the purpose of sale or lease unless the real property owner or the person in lawful possession of such real property at that location has first obtained all required permits and licenses for the sale or lease of motor vehicles, including, but not limited to, compliance with all zoning requirements.

(d) *Owner may request town to act as agent.* The owner or person in lawful possession of any real property or building may submit an application to authorize the town to act as his agent for the purposes set forth in this subsection. Such application shall be made to the building official and shall be accompanied by an application fee of \$25.00. The applicant shall authorize the town to post signs indicating that the sale or offer of sale of any new or used motor vehicle, motorcycle, minibike, trail bike, dune buggy, motor scooter, motor home, mobile home, travel trailer, camper, boat or trailer is prohibited on the applicant's property together with information indicating any such vehicle in violation of this section may be towed away by the town, acting on his behalf. The town may also post signs prohibiting the unauthorized parking of motor vehicles for sale or

**CITY OF GLENDALE**

RESOLUTION NO. 4070 NEW SERIES

A RESOLUTION OF THE COUNCIL OF THE CITY OF GLENDALE, MARICOPA COUNTY, ARIZONA, IMPLEMENTING MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA.

WHEREAS, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

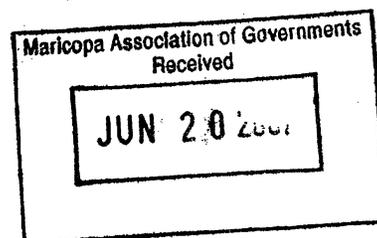
WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

WHEREAS, Arizona Revised Statutes Sec. 49-406(G) requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing that measure as provided in statute, ordinance, or rule; a program for enforcing of the measures; and the level of personnel and funding allocated to the implementation of the measure.

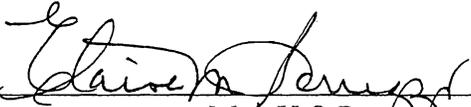
NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF GLENDALE as follows:

SECTION 1. That the Council of the City of Glendale agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this resolution.

SECTION 2. That the Council of the City of Glendale commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City agrees to consider modifications of the funding or schedules for implementation actions, if necessary.



PASSED, ADOPTED AND APPROVED by the Mayor and Council of the City of Glendale, Maricopa County, Arizona, this 12<sup>th</sup> day of June, 2007.

  
MAYOR

ATTEST:

  
City Clerk (SEAL)

APPROVED AS TO FORM:

  
City Attorney

REVIEWED BY:

  
City Manager

Exhibit A:

Maricopa Association of Governments'  
2007 Five Percent Plan for PM-10 Particulate Pollution:  
Glendale Commitments

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: 1. Public education and outreach with assistance from local governments

Measure Description: This measure would involve publicity campaigns that increase public awareness of the PM-10 problem and discourage citizens from participating in activities that generate airborne dust.

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: Glendale will assist Maricopa County to increase public awareness of the PM-10 problem to Glendale residents. The city will utilize the materials and/or information developed by the County and distribute/communicate them through various methods, e.g., city webpage, Cable TV-Channel 11, citizen and employee newsletters, and stocking brochures at city's libraries.

Level of Personnel and Funding Allocated for Implementation: The Marketing/Communications Department is responsible for the city's publicity programs. Funding for the implementation of this measure is determined in the city's annual budgeting process.

Enforcement Program: This measure will be implemented administratively.

Monitoring Program: The Marketing/Communications Department will document progress made in implementing this measure. The Environmental Resources Department will periodically monitor the progress made toward the implementation of this measure. The city will prepare and submit progress reports, when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: None required.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: 22. Reduce off-road vehicle use in areas with high off-road vehicle activity – impoundment or confiscation of vehicles for repeat violations

Measure Description: This measure would involve development and enforcement of ordinances or implementation of other actions to prevent or discourage off-road vehicle use in the PM-10 non-attainment area.

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: Glendale is already effectively controlling off-road vehicle use. The city has restricted vehicular and high off-road vehicular access to the 4 miles of riverbeds located within its incorporated area. Access to riverbeds is controlled by signage, gates, barriers and/or other structural controls.

Level of Personnel and Funding Allocated for Implementation: This measure has already been implemented.

Enforcement Program: The city will enforce against trespassing.

Monitoring Program: On an annual basis, the Environmental Resources Department will determine the effectiveness of the controls continue in restricting off-road vehicle access to the riverbeds. The city will prepare and submit progress reports when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: None required.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: 29. Sweep streets with PM-10 certified street sweepers

Measure Description: This measure would require all public paved roads in the PM-10 non-attainment area to be swept with purchased or contracted PM-10 certified street sweepers.

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: Glendale is already using PM-10 certified street sweepers to sweep all public city streets. The city will continue to use PM-10 certified street sweepers to sweep existing public city streets.

In the event the city elects to use a private vendor to sweep public city streets, the city shall require the vendor to use PM-10 certified street sweepers.

Level of Personnel and Funding Allocated for Implementation: The Field Operations Department is responsible for the city's street sweeping program. Funding for the implementation of this measure is determined in the city's annual budgeting process.

Enforcement Program: This measure will be implemented administratively.

Monitoring Program: The Field Operations Department will prepare the necessary street sweeping plans, vendor requirements, and document progress made in implementing this measure. The city will prepare and submit progress reports when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: None required.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: 31. Pave or stabilize existing unpaved parking lots – strengthen enforcement

Measure Description: This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas.

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: By March 31, 2008, the city will amend or adopt a city ordinance to require that parking, maneuvering, ingress and egress areas for new and existing development are maintained with paving or a stabilization method approved by the city.

The city will allow a phase-in period prior to enforcing the new requirement. The phase-in period will be used to educate and inform businesses and the public of the new requirement.

Level of Personnel and Funding Allocated for Implementation: The Code Compliance Department is responsible for enforcing the City Code. Funding for the implementation of this measure is determined in the city's annual budgeting process.

Enforcement Program: This measure is expected to be enforced by ordinance.

Monitoring Program: The Code Compliance Department will document progress made in implementing this measure. The city will prepare and submit progress reports, when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Governments.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: 32. Pave or stabilize existing public dirt roads and alleys

Measure Description: The measure would revise Rule 210.01 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day (e.g., 50 vehicles per day).

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: Currently, all public roads in the city's system are paved and all alleys owned by city are paved.

The city will develop a plan and budget to pave and/or stabilize city-owned roads and alleys in the event the city incorporates lands that contain unpaved roads and alleys.

Level of Personnel and Funding Allocated for Implementation: The Field Operations Department is responsible for paving or stabilizing public roads owned by the city. Funding for the implementation of this measure is determined in the city's annual budgeting process.

Enforcement Program: The city does not currently have any unpaved public roads. This measure will be implemented administratively.

Monitoring Program: The Field Operations Department will monitor the situation and document progress made in implementing this measure. The city will prepare and submit progress reports, when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: None required.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: 33. Limit speeds to 15 miles per hour on high traffic dirt roads

Measure Description: This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 non-attainment area that carry high traffic (e.g., 50 to 150 vehicles per day).

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

ARS-703 C. states that a local authority may decrease the limit to not less than fifteen miles per hour on an unpaved street or road within any district in its jurisdiction if the local authority determines that the limit is necessary to achieve or maintain national ambient air quality standards.

Implementation Schedule: The city does not currently have any public city-owned dirt roads.

Level of Personnel and Funding Allocated for Implementation: The Transportation Department is responsible for speed limit determinations and signage.

Enforcement Program: The city does not currently have any unpaved public roads.

Monitoring Program: The Transportation Department and Field Operations Department will monitor the situation and document any change in the city's dirt road inventory. The city will prepare and submit progress reports, when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: None required.

## **MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION**

Measure Title: 35. Pave or stabilize unpaved shoulders

Measure Description: This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., 2,000 vehicles or 50 heavy duty trucks per average weekday).

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: The city intends to stabilize four curb miles of unpaved shoulders beginning in 2008. The city's inventory of unpaved shoulders is also being reduced as streets are fully improved to city standards (curb, gutter and sidewalk) as urban development occurs on adjacent property.

Level of Personnel and Funding Allocated for Implementation: The Field Operations Department is responsible for paving or stabilizing unpaved shoulders. The city has budgeted \$11,000 for dust control on unpaved shoulders in FY2007-2008. Future funding for the implementation of this measure is determined in the city's annual budgeting process.

Enforcement Program: This measure will be implemented administratively.

Monitoring Program: The Field Operations Department will monitor the situation and document progress made in implementing this measure. The city will prepare and submit progress reports, when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: None required.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: 38. Restrict vehicular use and parking on vacant lots

Measure Description: This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant land.

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: The city currently has several City Code provisions that address vehicular trespassing on vacant land.

1. Code 24-173. Operation of vehicles on vacant lots. It shall be unlawful to operate a vehicle across any portion of a vacant lot other than by the owner, thereof, unless the lot is dust free, as defined in this Code.
2. Code 25-22. Vehicles. a) No person shall park or permit to be parked any vehicle for the purpose for sale upon any property or vacant property except where the sale of a vehicle is customary and incidental to the principal use of the property and in accordance with the Glendale zoning ordinance, article 5. Zoning district regulations.

In addition, the city will consider strengthen its existing Code.

By March 31, 2008, the city will amend or adopt a city ordinance to restrict vehicle parking and use on unpaved or un-stabilized vacant lots.

The city will allow a phase-in period prior to enforcing the new requirement. The phase-in period will be used to educate and inform businesses and the public of the new requirement.

Level of Personnel and Funding Allocated for Implementation: The Code Compliance Department is responsible for enforcing the City Code. Funding for the implementation of this measure is determined in the city's annual budgeting process.

Enforcement Program: This measure is expected to be enforced by ordinance.

Monitoring Program: The Code Compliance Department will document progress made in implementing this measure. The city will prepare and submit progress reports, when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Governments.

## MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

Measure Title: 39. Enhanced enforcement of trespass ordinances and codes

Measure Description: The measure would increase the enforcement of vehicular trespass ordinances and codes for vacant lots.

Responsible Agency and Authority of Implementation: Legal authority for this action is provided under A.R.S. Section 9-240, General Powers of Common Council and the Glendale Charter.

Implementation Schedule: The city currently has several City Code provisions that address trespassing on vacant land. The following provisions are in addition to the provisions applicable to vehicular use on vacant lots.

1. Code 24-52. Parking for certain purposes prohibited. No person shall park a vehicle upon any right-of-way for the principle purpose of: 1) displaying such a vehicle for sale; 2) washing, greasing or repairing such a vehicle except repairs necessitated by an emergency; 3) Displaying advertising; and 4) Displaying commercial exhibits.
2. Code 24-57. Parking at roadside. No person shall park any vehicle at any time in that area between the curb and the sidewalk. On those roadways without curbs, no person shall park a vehicle so as to force, or potentially force, a pedestrian to walk in the traveled portion of the roadway or private property.

In order for the city to enforce trespassing complaints property owners are required to install proper signage on their property and to submit a no trespass form. The Police Department will train and ensure that its officers are aware of their duty and responsibility regarding trespassing.

Level of Personnel and Funding Allocated for Implementation: The Police Department is responsible for enforcing trespassing on private property. Funding for the implementation of this measure is determined in the city's annual budgeting process.

Enforcement Program: This measure is expected to be enforced by ordinance and Arizona trespassing laws.

Monitoring Program: The Police Department will document progress made in implementing this measure. The city will prepare and submit progress reports, when requested by outside agencies.

Copy of Ordinance, Rule or Regulation: A copy of the ordinances will be forwarded to the Maricopa Association of Governments.

**CITY OF GOODYEAR**

**RESOLUTION NO. 07-1157**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF THE CITY OF  
GOODYEAR, MARICOPA COUNTY, ARIZONA, TO IMPLEMENT MEASURES IN  
THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA  
COUNTY NONATTAINMENT AREA**

WHEREAS, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent until the standard is met; and

WHEREAS, Arizona Revised Statutes 49-406 G. requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance, or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE BE IT RESOLVED BY THE CITY OF GOODEYEAR as follows:

SECTION 1. That the Council of the City of Goodyear agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this resolution.

SECTION 2. That the Council of the City of Goodyear commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Arizona this \_\_\_\_\_ day of June 2007.

  
Mayor

ATTEST:

Raymond Mulhall  
City Clerk

APPROVED AS TO FORM:

[Signature]  
City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA )

COUNTY OF MARICOPA )

I, the undersigned Dee Cockrum, being the duly appointed, acting qualified City Clerk of the City of Goodyear, Arizona, certify that the foregoing Resolution 07-1157, passed and adopted at a City Council Meeting of the Council of the City of Goodyear, Maricopa County, Arizona held on the 18 day of June, 2007, at which a quorum was present and, by a 7-0 vote, 7 voted in favor of said Resolution.

Given under my hand and seal, this 18 day of June, 2007.

Seal



Raymond Mulhall  
City Clerk

## **Exhibit A to Resolution 07-1157**

### **Measure: Public Education and Outreach: Assistance from Local Governments**

MAG 2007 Reference #1

#### **Measure Description:**

The City will develop a marketing campaign based on the County's Bring Back Blue campaign that increases the awareness of the PM-10 problem and discourages citizens from participating in activities that generate airborne dust. The City will display advertisements in local newspapers and display ads on the City's website and newsletter which reaches all Goodyear residents. The City will also draft press releases featuring local events surrounding the implementation of PM-10 reduction measures and feature local stories about how individuals/industries have contributed to the reduction of PM-10. Additionally, the City will promote the City's ordinance regulating the use of ATVs in the river bottom.

The City will also provide information at City facilities and will distribute brochures to contractors in the field.

Units: Circulation for City publications includes: Same Page ~ 400 city employees; Resident Newsletter ~ 50,000 residents. The City homepage, air quality web paged has approximately \_\_\_\_\_ hits per year.

#### **Responsible Agency and Authority for Implementation:**

This measure will be implemented by the City of Goodyear, Public Information Office.

Materials for the Maricopa County Bring Back the Blue campaign materials were distributed in 2007. Distribution of other materials from the State and County will be distributed, as they become available. Air quality/particulate pollution articles and web site information is on-going.

#### **Level of Personnel and Funding Allocated for Implementation:**

Outreach programs will be conducted within the operating budget for the Public Information Office. \$5,000 is budgeted for advertising in local newspapers.

#### **Enforcement Program:**

This is an administrative program implemented by the City Manager's Office. This measure does not involve an Ordinance or Code, no direct enforcement program is required.

#### **Monitoring Program:**

The City will submit progress reports to State and/or County agencies upon request.

**Measure: Reduce Off-Road Vehicle Use in Areas of High Off-Road Activity – Impoundment or Confiscation of Vehicles for Repeat Violations**

MAG 2007 Reference #22

**Measure Description:**

The City of Goodyear currently enforces the prevention of off-road vehicle use in high areas of off-road vehicle use. The City adopted Ordinance 2006-981 adding section 11-1-24 to the City Code prohibiting the operation of motorized vehicles on private land without the written permission of the property owner in February 13, 2006.

**Responsible Agency and Authority for Implementation:**

This measure will be implemented by the City of Goodyear Police Department as required by City Code 11-1-24, A.R.S. 37-501.

**Implementation Schedule:**

The City of Goodyear is currently providing education and enforcement of trespass regarding the illegal use of off-road vehicles on private lands and washes. The City of Goodyear started their education/enforcement program in February 2006.

**Enforcement Program:**

The City of Goodyear Police Department will continue to enforcement of trespass of off-road vehicle use in the washes and private lands and distribute educational materials regarding City Ordinance 2006-981. Gila River access points are signed, protected by controls, barriers and enforced.

**Monitoring Program:**

The City will submit progress reports to State and/or County agencies upon request.

**Measure: Sweep Streets with PM-10 Certified Street Sweepers**  
MAG 2007 Reference #29

**Measure Description:**

The City of Goodyear currently has all PM-10 certified sweepers in its Fleet and sweeps using the following schedule:

- All high volume arterials, industrial areas and washes are swept once every five days.
- Low volume arterials and collector streets are swept once every three weeks.
- Residential streets are swept once every three weeks.

The City of Goodyear will research and implement the requirement for PM-10 certified sweepers for use during construction activities for construction permits and all track out sites. These items will be addressed in the General Notes for Construction and General Notes for Street Construction.

**Responsible Agency and Authority for Implementation:**

This measure will be implemented by the City of Goodyear Public Works Department for using PM-10 certified street sweepers on public roads and City facilities.

**Implementation Schedule:**

The City of Goodyear is currently maintaining the maintenance of facilities through lease agreements and will require PM-10 sweepers be use during these activities.

The Engineering Department will hand out informational/educational materials to the private contractors throughout the permitting process to ensure that all construction activities affecting public roadways will be swept with PM-10 certified sweepers by July 2008.

**Enforcement Program:**

The City of Goodyear Public Works Department has two operators that maintain all public streets. City facilities are maintained through lease agreements that will enforce the use of PM-10 certified sweepers through contracts. For construction activities the City of Goodyear Engineering project managers and inspectors will enforce the use of PM-10 certified sweepers.

**Monitoring Program:**

The Public Works Department will provide annual reporting of street sweeping activities provided by their fleet. The City of Goodyear currently has four PM-10 street sweepers in its fleet and will be replacing two of its older sweepers in order to meet the new compliance measure and adding a third operator in FY 07-08. The City will continue to replace street sweepers with PM-10 certified street sweepers and acquire additional operators as growth demands them.

The Public Works Department will work with the leasing agents in order to ensure that PM-10 certified street sweepers are used to sweep all parking lots under their agreement.

The Engineering Department will work with private development on implementing a program to ensure that PM-10 certified sweepers during clean up activities. Engineering will research the availability of PM-10 sweepers in the private sector to determine if this program is feasible.

## **Measure: Pave or Stabilize Existing Unpaved Parking Lots, Strengthen Enforcement**

MAG 2007 Reference #31

### **Measure Description:**

The City of Goodyear will inventory all unpaved vacant lots within the City's boundaries. Based on the inventory the City will review their existing ordinances to include requirements for stabilizing any unpaved parking lots.

### **Responsible Agency and Authority for Implementation:**

This measure will be implemented by the City of Goodyear Community Initiatives Department, (Code Compliance Division), along with the Public Works Department and Engineering and Planning and Zoning Departments.

### **Implementation Schedule:**

The City of Goodyear is currently has an ordinance in place that prohibits the operation of motorized vehicles on private land without the written permission of the owner. Ordinance 200-981.

The City of Goodyear Zoning Ordinances, sections 3-2-6 and 3-2-12 requires dust control to all unpaved parking and maneuvering areas.

Chapter 6 of the Engineering Design Standards and Policies Manual outlines dust control measures during construction activities.

In FY 07-08 the City will review codes, ordinances and policies to identify options for enhanced dust control measures for unpaved parking lots. FY 07-08 the City will contact private property owners about PM-10 measures for unpaved parking lots. FY-08-09 the City will implement an Educational and Outreach Program for business owners and developers on enforcement of PM-10 measures.

### **Enforcement Program:**

The increased enforcement measures will require additional staff members to be acquired in FY 08-09 to include one additional Code Compliance Officer and one Environmental Compliance Officer. Additional staffing is estimated to cost the City \$175,000. The Community Initiatives Department will enforce the existing Ordinance, (2006-981) with current staffing.

### **Monitoring Program:**

The Public Works Department along with the Engineering and Planning and Zoning Departments will track and maintain a list of all unpaved parking lots by property owner.

**Measure: Pave or Stabilize Existing Public Dirt Roads and Alleys.**  
MAG 2007 Reference #32

**Measure Description:**

The City of Goodyear has paved all existing alleys within its jurisdiction. No new alleys are permitted to be developed within the City unless they are paved and maintained by the Home Owners Association, (HOA). The City currently has 5.34 miles of unpaved roadways that meet the 50 vehicles per day requirement for stabilization. The City will inventory and acquire traffic count data for all newly annexed roadways to determine if they meet the 50 vehicle per day requirement.

**Responsible Agency and Authority for Implementation:**

This measure will be implemented by the City of Goodyear Public Works Department.

**Implementation Schedule:**

The City of Goodyear will schedule surface treatments for unpaved roadways that meet the 50 vehicle per day requirement in FY 07-08 if MAG funding is awarded. If funding is not awarded for these projects they will be recommended in the FY 08-09 budget. These projects will take approximately six months.

The City will procure a consultant to provide traffic counts on all unpaved roadways in FY 08-09.

**Enforcement Program:**

Not Applicable.

**Monitoring Program:**

The Public Works Department will provide an inventory of all unpaved roadways to include traffic counts. All unpaved roadways that receive surface treatments will be documented and sent in to the appropriate agency. Any additional roadways that meet the 50 vehicles per day requirement in the future will be scheduled for surface treatments in the following fiscal year.

**Measure: Limit Speeds to 15 Miles per Hour on High Traffic Dirt Roads**

MAG 2007 Reference #33

**Measure Description:**

The City of Goodyear currently does not have an ordinance that supports the posting of 15 miles per hour on dirt roadways.

**Responsible Agency and Authority for Implementation:**

The City of Goodyear Public Works Department would be responsible for developing an ordinance for posting 15 mile an hour speed limits on dirt roads and installing the signs.

**Implementation Schedule:**

The City will develop a speed limit ordinance based on a City wide traffic count study which may require additional Police Officers for enforcement. City wide traffic count and speed limit study is schedule for FY -08-09. Cost to install 15 mile per hour signs are 185.00 each.

**Enforcement Program:**

If the funding is approved to apply the surface treatments to the unpaved roadways, no enforcement will be necessary.

**Monitoring Program:**

The Public Works Department will inventory and provide traffic count data on any unpaved roadways that meet the 50 vehicles per day requirement by June 2008.

**Measure: Pave or Stabilize Unpaved Shoulders**

MAG 2007 Reference #35

**Measure Description:**

This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic, more than 2000 vehicles or 50 heavy duty trucks, per average weekday.

**Responsible Agency and Authority for Implementation:**

The City of Goodyear Public Works Department has identified nine centerline miles of roadways that have unpaved shoulders with no curb and gutter that meet the requirement of 2000 vehicles or 50 heavy duty trucks per average weekday.

**Implementation Schedule:**

The City of Goodyear will schedule surface treatments for unpaved shoulders that meet the 2000 vehicles or 50 heavy duty trucks per average weekday requirement in FY 07-08 if MAG funding is awarded. If funding is not awarded for these projects they will be recommended in the FY 08-09 budget. These projects will take approximately six months.

**Enforcement Program:**

Not applicable.

**Monitoring Program:**

The Public Works Department will inventory and provide traffic count data on dirt shoulders on paved public roads that carry a high level of traffic, more than 2000 vehicles or 50 heavy duty trucks, per average weekday by June 2008.

## **Measure: Restrict Vehicle Use and Parking on Vacant Lots**

MAG 2007 Reference #38

### **Measure Description:**

The City of Goodyear will inventory all unpaved vacant lots within the City's boundaries. Based on the inventory the City will review their existing ordinances to include requirements for stabilizing any unpaved parking lots.

### **Responsible Agency and Authority for Implementation:**

This measure will be implemented by the City of Goodyear Community Initiatives Department, (Code Compliance Division), along with the Public Works Department and Engineering and Planning and Zoning Departments.

### **Implementation Schedule:**

The City of Goodyear is currently has an ordinance in place that prohibits the operation of motorized vehicles on private land without the written permission of the owner. Ordinance 2006-981.

The City of Goodyear Zoning Ordinances, sections 3-2-6 and 3-2-12 requires dust control to all unpaved parking and maneuvering areas.

Chapter 6 of the Engineering Design Standards and Policies Manual outlines dust control measures during construction activities.

In FY 07-08 the City will review codes, ordinances and policies to identify options for enhanced dust control measures for vacant lots. FY 07-08 the City will contact private property owners about PM-10 measures for unpaved lots. FY-08-09 the City will implement an Educational and Outreach Program for property owners and developers on enforcement of PM-10 measures. City will inventory all vacant lots within the City of Goodyear by June 2008.

### **Enforcement Program:**

The increased enforcement measures will require additional staff members to be acquired in FY 08-09 to include one additional Code Compliance Officer and one Environmental Compliance Officer. Additional staffing is estimated to cost the City \$175,000. The Community Initiatives Department will enforce the existing Ordinance, (2006-981) with current staffing.

### **Monitoring Program:**

The Public Works Department along with the Engineering and Planning and Zoning Departments will track and maintain a list of all unpaved parking lots by property owner.

**Measure: Enhanced Enforcement of Trespass Ordinances and Codes**  
MAG 2007 Reference #39

**Measure Description:**

Through the Community Initiatives Department, (Code Compliance), Engineering Department, Planning and Zoning Department, Police Department and Public Works Department the City will monitor all vacant lots on a monthly basis to ensure that trespass and parking is prohibited.

**Responsible Agency and Authority for Implementation:**

This measure will be implemented by the City of Goodyear Community Initiatives Department, (Code Compliance Division); along with the Police Department will enforce this measure as required by Ordinance 2006-981.

**Implementation Schedule:**

The City of Goodyear is currently has an ordinance in place that prohibits the operation of motorized vehicles on private land without the written permission of the owner. Ordinance 2006-981.

Enhanced enforcement will be effective in FY 08-09 budget year by acquiring additional staff members in Code Enforcement and Environmental Compliance.

**Enforcement Program:**

The increased enforcement measures will require additional staff members to be acquired in FY 08-09 to include one additional Code Compliance Officer and one Environmental Compliance Officer. Additional staffing is estimated to cost the City \$175,000. The Community Initiatives Department will enforce the existing Ordinance, (2006-981) with current staffing with the assistance from other City Departments reporting Violations to Code Enforcement.

**Monitoring Program:**

The City will submit progress reports to State and/or County agencies upon request.

**ATTACHMENT A**  
**Draft Measures for City of Goodyear Commitments**  
**2007 MAG PM-10 Plan**

<b>MEASURE</b>	<b>CURRENT GOODYEAR PROGRAMS</b>	<b>RECOMMENDED COMMITMENTS</b>
<b>FUGITIVE DUST CONTROL RULES</b>		
<p>1. <b>Public Education and outreach (Maricopa County) with assistance from local governments.</b></p> <p><b>Implement City Agency or Department</b>  City of Goodyear, City Managers, PIO</p>	<ul style="list-style-type: none"> <li>• Public Works and Engineering staff have attended training on PM-10 Rule 310.10 presented by the Maricopa Air Quality Division.</li> <li>High pollution advisories and contacts are posted on the City intranet.</li> </ul>	<ul style="list-style-type: none"> <li>• City to distribute County brochures at Engineering, and Planning and Zoning Division, Public Works, etc.</li> <li>• Include air quality information on the Homepage, and newsletters for the public and city staff. Include a link to <a href="http://www.bringbackblue.org">www.bringbackblue.org</a>.</li> <li>• Provide ongoing training to key City staff on PM – 10 Rule 310.10 as provided by the County.</li> <li>• Staff will create a brochure to distribute at City functions educating citizens on PM -10 on the City's website estimated cost for mass mailings is \$5,000.</li> </ul>
<b>NONROAD ACTIVITIES</b>		
<p>22. <b>Reduce off-road vehicle use in areas with high off-road vehicle activity(e.g., Goodyear Ordinance)</b></p> <p><b>Implement City Agency or Department</b>  City of Goodyear, Police Department and City Managers PIO</p>	<ul style="list-style-type: none"> <li>• City adopted Ordinance 2006-981 adding section 11-1-24 to the Goodyear City Code prohibiting the operation of motorized vehicles on private land without the written permission of the property owner in February 13, 2006.</li> <li>• The Gila River access points are signed, protected by structural</li> </ul>	<ul style="list-style-type: none"> <li>• Continued enforcement of trespass and off-road vehicle use in the Gila River, vacant lots, washes, etc.</li> <li>• Continue to distribute educational materials regarding City Ordinance 2006-981.</li> </ul>

	controls, barriers, and enforced through Goodyear PD.	
<b>PAVED ROADS</b>		
<p><b>29. Sweep streets with PM-10 certified street sweepers.</b></p> <p><b>Implement City Agency or Department</b> City of Goodyear, Public Works Department</p>	<ul style="list-style-type: none"> <li>• All City of Goodyear street sweepers are PM-10 compliant. The City currently has 4 sweepers and two operators. Average weekly sweeping is 50 miles per week.</li> <li>• The City has no contractual agreements for sweeping.</li> </ul>	<ul style="list-style-type: none"> <li>• Continue to use PM-10 efficient sweepers on all City streets.</li> <li>• The City has committed to purchase three new PM-10 compliant sweepers and hire an additional operator to increase frequency of sweeping in FY 07-08. Two of the sweepers will be purchased as replacements in order to meet the new compliance measures and one new sweeper for the new operator. Total cost of three sweepers and an additional operator is estimated at \$420,000. This will maintain a three week sweeping cycle for all roadways. The City currently has 409.39 centerline miles of roadway.</li> <li>• FY 08-09 two additional PM-10 compliant sweepers and two operators will be necessary to maintain a bi-weekly sweeping schedule at a cost of \$500,000. The City is projected to have 462 centerline miles of roadway.</li> <li>• FY 08-09 an additional Fleet Mechanic will be necessary to maintain the additional sweepers at a cost of \$100,000.</li> <li>• FY 09-2010 an additional two PM-10 compliant sweepers and operators will be necessary to maintain a bi-weekly sweeping schedule at a cost of \$500,000.</li> </ul>

		The City is projected to have 525 centerline miles of roadway.
<b>UNPAVED PARKING LOTS</b>		
<p><b>31. Pave or stabilize existing unpaved parking lots, strengthen enforcement.</b> (This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas).</p> <p><b>Implement City Agency or Department</b> City of Goodyear, Public Works Department – Environmental Compliance Officer</p>	<ul style="list-style-type: none"> <li>• City requires parking lots used for special events to have a dust palliative applied.</li> <li>• City adopted Ordinance 2006-981 adding section 11-1-24 to the Goodyear City Code prohibiting the operation of motorized vehicles on private land without the written permission of the property owner on February 13, 2006.</li> <li>• City of Goodyear Zoning Ordinances Sections 3-2-6 and 3-2-12 and Article require dust control to all unpaved parking and maneuvering areas.</li> <li>• Chapter 6 of the Engineering Design Standards and Policies Manual outlines dust control measures during construction.</li> </ul>	<ul style="list-style-type: none"> <li>• FY 07-08 amend section 11-1-24 to include verbiage from the City of Phoenix Code on unpaved parking lots.</li> <li>• FY 07-08 review codes, ordinances and policies to identify options for enhanced dust control measures.</li> <li>• FY 07-08 contact private property owners about PM-10 measures for vacant lots.</li> <li>• FY 08-09 Implement an Educational and Outreach program for business owners and developers and enforcement.</li> </ul>
<b>UNPAVED ROADS</b>		
<p><b>32. Pave or stabilize existing public dirt roads and alleys.</b> (This measure would revise Rule 310.01 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day (e.g., more than 50 vehicles per day).</p> <p><b>Implement City Agency or Department</b> City of Goodyear, Public Works Department</p>	<ul style="list-style-type: none"> <li>• All alleyways in the City of Goodyear have been paved.</li> <li>• No alleys are permitted in new developments unless they are paved and maintained by the HOA.</li> <li>• Rainbow Valley currently has 5.34 miles of unpaved roadways.</li> </ul>	<ul style="list-style-type: none"> <li>• Schedule surface treatments for the unpaved roadways in the Rainbow Valley area for FY07- 08 budget year at a cost of \$550,000. Life expectancy of this surface treatment is 5 to 7 years. The City has applied for MAG Grant funds to cover the project. If awarded the City will be required to fund 100% of the project and will be reimbursed 50% of the costs from MAG. Funding is recommended to come from FY 07-08 reserves. If</li> </ul>

		<p>grant is not awarded, project is recommended to be included in FY 08-09.</p> <ul style="list-style-type: none"> <li>• FY 08-09 Schedule surface treatments for any additional unpaved roadways when they meet the 50 vehicle per day requirement.</li> <li>• FY 08-09 procure consultant to provide traffic counts for the Sonoran Valley Area at a cost of \$10,000. Sonoran Valley currently has 22 miles of dirt roadways that were previously maintained by Maricopa County.</li> </ul>
<p><b>33. Limit speeds to 15 miles per hour on high traffic dirt roads</b> – This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 non-attainment area that carry high traffic (e.g., 50-150 vehicles per day).</p> <p><b>Implement City Agency or Department</b> City of Goodyear, Public Works Department and Police Department</p>	<ul style="list-style-type: none"> <li>• None of the unpaved roadways within the City of Goodyear are signed.</li> </ul>	<ul style="list-style-type: none"> <li>• Based on FY 08-09 traffic count study City to develop a speed limit ordinance which may require additional Police Officers for enforcement. Roadway signs would have to be installed posting the speed limit, City limits at a cost of \$185.00 per sign.</li> <li>• If funding is approved to pave or stabilize existing unpaved roadways the 15 mph signage would not be required.</li> </ul>
<p><b>UNPAVED SHOULDERS</b></p>		
<p><b>35. Pave or stabilize unpaved shoulders</b> – This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., more than 2,000 vehicles or 50 heavy duty trucks per average weekday).</p> <p><b>Implement City Agency or Department</b></p>	<ul style="list-style-type: none"> <li>• City currently has 54.19 curb miles of unpaved, untreated shoulders. Of these shoulders only 9 curb miles meet the 2,000 vehicles or 50 heavy duty trucks per average weekday requirement.</li> </ul>	<ul style="list-style-type: none"> <li>• FY 07-08 – Chip seal 5.75 miles of unpaved shoulders at a cost of \$225,000 every five years. The City has applied for MAG Grant funds to cover the project. If awarded the City will be required to fund 100% of the project and be reimbursed 50% of the costs from MAG. Funding is recommended to come</li> </ul>

<p>City of Goodyear, Public Works Department</p>		<p>from FY 07-08 reserves. If the MAG grant is not awarded the City recommends including project in FY 08-09 budget.</p> <ul style="list-style-type: none"> <li>• FY 07-08 Pave 3.25 miles of shoulders to incorporate bike lanes and additional travel lanes on major arterials at a cost of \$2.2 million dollars. The City has applied for MAG Grant funds to cover the project. If awarded the City will be required to fund 100% of the project and be reimbursed 50% of the costs from MAG. If awarded, the project is recommended to be funded from FY 07-08 reserves. If the project is not awarded, staff recommends including in FY 08-09 budget.</li> <li>• FY 08-09 - Purchase a grader and hire two full time staff to maintain all unpaved shoulders and roadways at a cost of \$275,000 one time cost to purchase the grader, \$200,000 on going for two additional staff members. This is to maintain the roadways that do not meet the 50 vehicle per day requirement. The City acquired 22 miles of dirt roadways in the Sonoran Valley and will need to be maintained and 43 miles of shoulders City wide.</li> </ul>
<p><b>VACANT LOTS</b></p>		
<p><b>38. Restrict vehicular use and parking on vacant lots (e.g., Phoenix) – This measure would strengthen existing rules</b></p>	<ul style="list-style-type: none"> <li>• City adopted Ordinance 2006-981 adding section 11-1-24 to the Goodyear City Code prohibiting the</li> </ul>	<ul style="list-style-type: none"> <li>• Review codes, ordinances and policies to identify options for enhanced dust control measures</li> </ul>

<p>and ordinances that prohibit vehicle trespass on vacant land.</p> <p><b>Implement City Agency or Department</b> City of Goodyear, Code Enforcement and Police Department</p>	<p>operation of motorized vehicles on private land without the written permission of the property owner in February 13, 2006.</p> <ul style="list-style-type: none"> <li>• City of Goodyear Zoning Ordinances Sections 3-2-6 and 3-2-12 and Article require dust control to all unpaved parking and maneuvering areas.</li> <li>• Chapter 6 of the Engineering Design Standards and Policies Manual outlines dust control measures during construction.</li> </ul>	<p>such as fencing, ditches, berm, or select aggregate.</p>
<p><b>39. Enhanced enforcement of trespass ordinances and codes</b> – This measure would increase the enforcement of vehicle trespass ordinances and codes for vacant lots.</p> <p><b>Implement City Agency or Department</b> City of Goodyear, Code Enforcement and Police Department and Public Works</p>	<ul style="list-style-type: none"> <li>• City adopted Ordinance 2006-981 adding section 11-1-24 to the Goodyear City Code prohibiting the operation of motorized vehicles on private land without the written permission of the property owner in February 13, 2006.</li> </ul>	<ul style="list-style-type: none"> <li>• Review codes, ordinances and policies to identify options for enhanced dust control measures such as fencing, ditches, berms, or select aggregate.</li> <li>• FY 08-09 – Increasing enforcement measures would require an additional code enforcement officer at a cost of \$75,000 dedicated to vehicle trespass of vacant lots.</li> <li>• FY 2008-2009 – Hire dedicated Environmental Compliance Officer to manage environmental compliance of PM-10 measures and Storm Water Management, at cost of \$100,000.</li> </ul>

Attachment 5  
Draft Measures for City of Goodyear Commitments  
2007 MAG PM-10 Plan

Measure	Description	Source	FY 07-08	FY 08-09	FY 09-10
1. Public Education & Outreach	Advertising	Gen Fnd	\$5,000	\$7,500	\$10,000
29. PM-10 Certified Street Sweepers	Capital Purchase	CMAQ	\$473,000		
	Capital Purchase	Gen Fnd	\$52,000	\$350,000	\$350,000
	Personnel - Sweeper Op	Gen Fnd	\$75,000	\$225,000	\$375,000
	Personnel - Mechanic	Gen Fnd		\$100,000	\$100,000
32. Pave/Stabilize Existing Dirt Roads*	Pave Roadways Rainbow Valley	MAG Grant/Gen Fund Reserves	\$550,000		
	Consultant for traffic counts in Sonoran Valley	Gen Fund		\$10,000	
33. Limit Speed Limit to 15 MPH	Signage			\$5,000	
35. Pave/Stabilize Existing Dirt Shoulders	Stabilize 5.75 miles unpaved shoulders	MAG Grant/Gen Fund Reserves	\$225,000		
	Pave 3.25 miles Yuma Rd.	MAG Grant/Gen Fund Reserves	\$2,000,000		
	Grader Purchase	Gen Fund		\$275,000	
	Personnel	Gen Fund		\$200,000	\$200,000
39. Enforce Trespass	Code Enforcement Officer	Gen Fund		\$75,000	\$75,000
	Environmental Compliance Officer			\$100,000	\$100,000
<b>TOTAL</b>			<b>\$3,380,000</b>	<b>\$1,347,500</b>	<b>\$1,210,000</b>

\* Assume MAG Grant Awarded 07-08

ORDINANCE 2006-981

AN ORDINANCE OF THE MAYOR AND COUNCIL OF THE CITY OF GOODYEAR, MARICOPA COUNTY, ARIZONA, AMENDING CHAPTER 11 OF THE GOODYEAR CITY CODE ADDING SECTION 11-1-24 PROHIBITING THE OPERATION OF VEHICLES ON PRIVATE AND/OR PUBLIC PROPERTY NOT HELD OPEN TO THE PUBLIC FOR VEHICLE USE; PROVIDING FOR PENALTIES; PROVIDING FOR SEPARABILITY; AND DECLARING AN EMERGENCY.

WHEREAS, the use of the bed of the Gila River has resulted in dust clouds that have adversely affected the health and safety of the residents of Goodyear as well as those traveling through the City;

WHEREAS, the City, pursuant to Maricopa County Air Policy Control Regulations Rule 310.01, is required to control "fugitive dust" caused by the use of motorized vehicles on undeveloped property owned by the City;

WHEREAS, the Mayor and Council of the City of Goodyear, believe that it is in the best interest of the City to amend Chapter 11 of the Goodyear City Code to prohibit the operation of vehicles on private and/or public property not held open to the public for vehicle use absent written permission from the property owner and making the violation of this provision subject to prosecution and the imposition of penalties;

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona as follows:

SECTION I: AMENDMENT OF CHAPTER 11 OF THE GOODYEAR CITY CODE.

Chapter 11 of the Goodyear City Code is amended by adding the following new offense,

**Sec. 11-1-24 Operation of Vehicles on Public and Private Property.**

A. It is unlawful for any person to operate or drive any motor vehicle, motorcycle, minibike, dune buggy, all terrain vehicle (ATV), motor scooter, or other form of transportation propelled by an internal combustion engine on private and/or public property that is not held open to the public for vehicle use without the prior written permission of the owner of the property, the person entitled to the immediate possession of the property, or the authorized agent of either. The property owner, person entitled to immediate possession of the property, or invitee who has written permission may operate such vehicles if such use does not violate any other applicable laws.

B. The prior written permission required under this section shall:

1. Contain the name, address, and telephone number of the person granting permission for the use of the property;

2. Describe the interest the person granting permission has in the property (i.e. property owner, lessee, agent etc);

3. If the person granting permission is not the owner of the property, the written permission shall also contain the name, address, and telephone number of the property owner;

4. Specify the period of time for which permission for the use of the property is being granted; and

5. Be signed by the person granting permission for the use of the property.

C. Whenever any person is stopped by a Police Officer of the City for a violation of subsection (A) of this section, he/she shall, upon the request of the Police Officer display the written permission required in this section.

D. A violation of this section is subject to the penalties set forth in Goodyear City Code § 1-1-8.

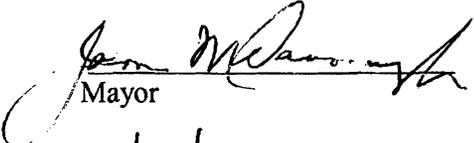
## SECTION II: PROVIDING FOR SEPARABILITY

If any section, subdivision, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining provisions of the ordinance or parts thereof.

## SECTION III: DECLARING AN EMERGENCY

The immediate approval of this Ordinance is necessary for the preservation of the public health and welfare; an emergency is hereby declared to exist; this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor and Council of the City of Goodyear as required by law.

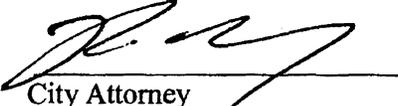
PASSED AND ADOPTED by the Mayor and Council of the City of Goodyear, Maricopa County, Arizona this 13 day of February, 2006.

  
\_\_\_\_\_  
Mayor  
2/14/06  
\_\_\_\_\_  
Date

ATTEST:

  
\_\_\_\_\_  
City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

CERTIFICATION OF RECORDING OFFICER

STATE OF ARIZONA                    )  
  ) ss.  
County of Maricopa                    )

I, the undersigned Dee Cockrum, being the duly appointed, qualified City Clerk of the City of Goodyear, Arizona, certify that the foregoing Ordinance 2006-981, passed and adopted at a City Council Meeting of the Council of the City of Goodyear, Maricopa County, Arizona held on the 13<sup>th</sup> day of February, 2006, at which a quorum was present and, by a 7-0 vote, voted in favor of said ordinance.

Given under my hand and seal, this 13 day of February, 2006.

*Dee Cockrum*  
City Clerk



AGENDA ITEM # \_\_\_\_\_

DATE: 06-18-07

COAC NUMBER: 07-3435

**CITY OF GOODYEAR  
CITY COUNCIL ACTION FORM**

<b>SUBJECT:</b> Council adopt resolution to implement measures in the MAG 2007 five percent plan for PM-10 for the Maricopa County non attainment Area	<b>STAFF PRESENTER:</b> Ron Sievwright, City of Goodyear <b>COMPANY</b> <b>CONTACT:</b>
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**RECOMMENDATION:**

Council adopt Resolution to implement measures as identified in Exhibit A to be included in the MAG 2007 five percent plan for PM-10 for the Maricopa County non attainment Area (Attachment 1).

**COMMUNITY BENEFIT:**

By adopting additional measures, the region will be able to demonstrate the five percent reduction in PM-10 emissions per year and attainment for the 24-hour PM-10 standard.

**DISCUSSION:**

In accordance with the Clean Air Act, the Five Percent Plan for PM-10 is due to the Environmental Protection Agency (EPA) by December 31, 2007. The plan is required to reduce PM-10 emissions by five percent per year until the standard is met. In order to attain the standard, the region needs three years of clean data at the monitors (2007, 2008, 2009). In 2006, there were approximately 21 days that exceeded the 24-hour PM-10 standard. It is important to attain the PM-10 standard as quickly as possible or additional years of five percent reductions may need to be included in the plan.

A large number of measures will be needed to meet the federal requirements of this plan. Currently, the five percent reduction target is estimated to be 4,600 tons per year. This reduction will be needed in 2008 and another reduction of 4,600 tons will be needed in 2009. If violations at the monitors occur in 2007, another reduction of 4,600 tons will be needed in 2010.

Failure to submit an approvable Five Percent Plan with adopted control measures by the deadline could result in the imposition of federal sanctions by the EPA. The sanctions include withholding of Federal Highway Funds and tighter controls on major industrial sources (two to one offset requirements for stationary sources). A Federal Implementation Plan could also be imposed by EPA.

On March 28, 2007 the MAG Regional Council approved a Suggested List of Measures to Reduce PM-10 Particulate Matter for consideration for implementation by the State and local governments (Attachment 2). Each agency with the authority to implement the suggested measures is being asked to make a legally binding commitment to implement the measures it deems appropriate for that jurisdiction.

Collectively, the Suggested List of Measures to Reduce PM-10 Particulate Matter includes 41 measures. Many of the most significant measures are under the authority of Maricopa County since they strengthen the Maricopa County Fugitive Dust Control Rules which apply region wide. Nine measures are under the authority of local governments (Attachment 3).

The commitments are critical to the success of the plan. When the commitments are received by MAG, they will be reviewed and modeled to determine their impact on PM-10. Once the commitments are included in an air quality plan, they become legally binding commitments to implement measures.

City staff has reviewed the suggested list of measures and has developed a plan to include as part of the 2007 MAG Five Percent Plan for PM-10 (Attachment 4).

### **FISCAL IMPACT:**

All measures for FY 07-08 have been budgeted except for measures 32 and 35, paving and stabilizing existing public dirt roads and shoulders. MAG currently has \$5 million available for paving dirt roads and shoulders. This is a 50% grant matching program. Staff is estimating \$2.7 million will be needed to pave existing dirt roads and shoulders. Only roads meeting a threshold of at least 50 cars per day require paving. Staff has applied for matching funds as the deadline was June 6, 2007. If awarded, staff recommends funding these projects with the use of reserve funds in FY 07-08. If the City is not awarded this grant staff will budget for these projects in FY 08-09.

Other costs associated with the implementation of these measures are below (Attachment 5):

#### **MEASURE 1: Public Education and Outreach.**

- FY 2007-2008 staff will create a brochure to distribute at City functions educating citizens on PM -10 on the City's website estimated cost for mass mailings is \$5,000.

#### **MEASURE 29: Sweep streets with PM-10 certified street sweepers.**

- FY 2007-2008 the City has committed to purchase three new PM-10 compliant sweepers and hire an additional operator to increase frequency of sweeping in FY 2007-2008. Two of the sweepers will be purchased as replacements in order to meet the new compliance measures and one new sweeper for the new operator. Total cost of three sweepers and an additional operator is estimated at \$420,000. The street sweepers will be purchased with MAG funding. This will maintain a three-week sweeping cycle for all roadways.
- FY 2008-2009 two additional PM-10 compliant sweepers, two operators and one mechanic will be necessary to maintain a bi-weekly sweeping schedule at a cost of \$600,000.
- FY 2009-2010 two additional PM-10 compliant sweepers and two operator will be necessary to maintain a bi-weekly sweeping schedule at a cost of \$500,000.

**MEASURE 32: Pave or stabilize existing public dirt roads and alleys.**

- FY 2007-2008 schedule surface treatments for the unpaved roadways in the Rainbow Valley area for FY2007-2008 budget year at a cost of \$550,000. Life expectancy of this surface treatment is 5 to 7 years. This project is not in the FY 07-08 budget however is eligible for 50% matching funds from MAG. The City will submit a grant application for the paving of these roads and recommends using reserve funds if awarded. If the City is not awarded funds from MAG, 100% of the project will be budgeted FY 2008-2009.
- FY 2008-2009 procure a consultant to provide traffic counts for the Sonoran Valley area at a cost of \$10,000.

**MEASURE 35: Pave or stabilize unpaved shoulders.**

- FY 2007-2008 – Chip seal 5.7 miles of unpaved shoulders at a cost of \$225,000 every five years. The City will submit a grant application for this project and recommends using reserve funds if awarded. If the City is not awarded funds from MAG, staff recommends budgeting the project in FY 2008-2009. The grant covers 50% of the total project.
- FY 2007-2008 - Pave 3.25 miles of shoulders on major arterials at a cost of \$2.2 million. The City will submit a grant application for this project and recommends using reserve funds if awarded. If the City is not awarded funds from MAG, staff recommends budgeting the project in FY 2008-2009. The grant covers 50% of the total project.
- FY 2008-2009 - Purchase a grader and hire two full time staff to maintain all unpaved shoulders and roadways at a cost of \$275,000 one time cost to purchase the grader, \$200,000 on going for two additional staff members. This is to maintain the roadways that do not meet the 50 vehicle per day threshold for paving.

**MEASURE 39: Enhance enforcement of trespass ordinances and codes.**

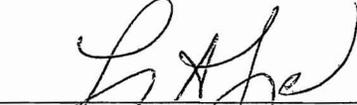
- FY 2008-2009 - Increasing enforcement measures would require one additional code enforcement officers dedicated to vehicle trespass of vacant lots at a cost of \$75,000 annually.
- FY 2008-2009 - Hire a dedicated Environmental Compliance Officer to manage environmental compliance of PM-10 measures and Storm Water Management, at cost of \$100,000 annually.

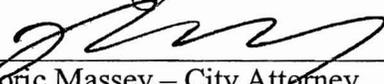
**ATTACHMENTS:**

1. Resolution No. \_\_\_\_\_
2. Suggested List of Measures to Reduce PM-10 Particulate Matter as adopted by MAG Regional Council
3. Suggested List of Measures to Reduce PM-10 under Authority of Local Government
4. Measures for City of Goodyear Commitments to 2007 MAG PM-10 Plan
5. Three year summary of costs.

**REVIEWED BY:**

  
\_\_\_\_\_  
Brian Dalke – Deputy City Manager

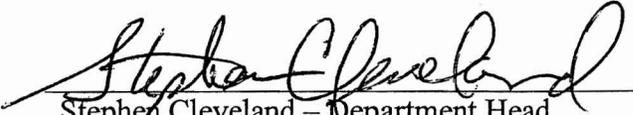
  
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Larry Lange – Finance Director

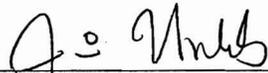
  
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Roric Massey – City Attorney

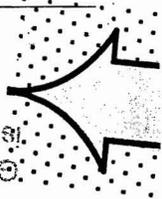
\_\_\_\_\_  
Stephen Cleveland – City Manager

**PREPARED BY:**

  
\_\_\_\_\_  
Mario Saldamando – Preparer

  
\_\_\_\_\_  
Stephen Cleveland – Department Head

  
\_\_\_\_\_  
Jim Nichols – Deputy City Manager



# Memorandum

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**To:** Ron Sievwright  
**CC:** David Ramirez  
**From:** Rich Subasic  
**Date:** May 29, 2007  
**Re:** PM-10 Measures In Place

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The following measures are currently being used to control particulate matter:

1. Zoning Ordinance of the City of Goodyear:
  - Section 3-2-6 R-1 Single Family Residential, B.2.d (Pg. 3-16) Dust control on temporary accessways and roads during construction and maintenance of vacant parcels of the development, as required by the State, City and County Bureau of Air Pollution.
  - Section 3-2-12 Multi-Family Residential Districts Standards, B.3.d (Pg. 3-28) Same language as Single Family Residential.
  - Article 6-4 Off-Street Loading, Section 6-4-2.C Improvement Standards (Pg. 6-10) The loading area, aisles, and access drives shall be paved and maintained so as to provide a durable, dustless surface and shall be graded and drained so as to dispose of surface water without damage to private or public properties, streets, or alleys.
2. Standard stipulations included by planning on site plan and preliminary plat approvals:
  - The developer shall control dust as required by the State, City and the County Bureau of Air Pollution throughout the site during construction.
  - Any mass grading pad shall be temporarily finished with a topping of decomposed granite (two inches minimum depth) prior to issuance of the first Certificate of Occupancy on the site.
3. Engineering requires notes on the construction drawings in accordance with EDS&PM, Chapter 2.
  - GENERAL NOTES FOR CONSTRUCTION – Section 2.1.12.P, copy attached
  - GENERAL NOTES FOR STREET CONSTRUCTION – Section 2.1.13.O, copy attached

May 29, 2007

- GENERAL NOTES FOR GRADING AND DRAINAGE CONSTRUCTION – Section 2.1.16.L, copy attached

**ENGINEERING DESIGN  
STANDARDS  
AND  
POLICIES  
MANUAL**

JULY 22, 1997

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**CITY OF GOODYEAR  
ARIZONA**



## 0.6 General Notes

## 0.6.1 General Notes for Construction

ALL plans for construction within City of Goodyear shall have the following shown on either the Cover Sheet or the Detail Sheet.

CITY OF GOODYEAR  
GENERAL NOTES FOR CONSTRUCTION

- A. All construction shall conform to the City EDS&PM, City Standard Details, and current MAG Uniform Standard Specifications and Details for Public Works Construction.
- B. This set of plans has been reviewed for compliance with City requirements prior to issuance of construction permits. However, such review shall not prevent the City from requiring correction of errors in plans found to be in violation of any law or ordinance.
- C. The City does not warrant any quantities shown on these plans.
- D. The City approval is for general layout in the right-of-way only. This approval is valid for a period of 1-year. Construction permits shall be obtained during this period or the plans shall be resubmitted for review and approval.
- E. An approved set of plans shall be available on the job site at all times.
- F. The City shall be notified 48-hours prior to any construction work and inspections (623-882-7979). Construction work concealed without inspection by the City shall be subject to exposure at the contractor's expense.
- G. Right-of-way improvements shall not be accepted until "As-Built" plans have been submitted and approved by the City. (See as-built requirements)
- H. The developer is responsible for the removal or relocation of all obstructions within the right-of-way prior to starting new construction.
- I. The developer is responsible for arranging the relocation and associated costs of all utilities. A utility relocation schedule shall be submitted prior to the issuance of permits.
- J. The developer is responsible for obtaining or dedicating all required rights-of-way and easements to the City prior to issuance of permits.
- K. The contractor shall contact BLUE STAKE (602-263-1100) at least 48-hours prior to construction.
- L. The contractor shall barricade construction sites at all times per the City of Phoenix Traffic Barricade Manual. When required by the City, a traffic control plan shall be submitted for approval in advance of construction.
- M. The contractor must request a meter for filling and testing of new water lines from their assigned Engineering Inspector. This meter should be ordered 2 working days prior to the start of construction. Potable water is not available for any other construction use. The unlawful removal of water from a fire hydrant or any other source is a violation of the municipal code, punishable by fine and/or imprisonment.
- N. Prior to moving or destroying protected native plant species, the Contractor shall file a formal Notice of Intent with the Arizona Department of Agriculture (602-542-6408).
- O. The Contractor shall comply with the Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) Stormwater requirements established for construction sites.
- P. The contractor shall provide dust control to the satisfaction of the City Engineer. The contractor shall obtain a Dust Control Permit from the Maricopa County Air Quality Department.

## 0.6.2 General Notes for Street Construction

All plans for street construction within right-of-way or easements shall have the following shown on either the Cover Sheet or the Detail Sheet.

CITY OF GOODYEAR  
GENERAL NOTES FOR STREET CONSTRUCTION

- A. All construction shall be in accordance with the City EDS&PM, City Standard Details, and current MAG Uniform Standard Specifications and Details for Public Works Construction.
- B. Contractor shall obtain all necessary permits prior to construction.
- C. City of Goodyear inspectors shall be notified 48-hours prior to starting each phase of construction, and each inspection requested (623-882-7979).
- D. Any work performed without the approval of the City Engineer, and any work/material not in conformance with the specifications is subject to removal and replacement at the contractor's expense.
- E. The Contractor shall be responsible for verifying the location and elevation of any Utility Lines before starting construction. If the existing line is found to be in a substantially different location, or will adversely affect the operation of the utility, the Contractor shall notify the City of Goodyear prior to making the connections.
- F. Contractor shall have all existing underground utilities located (Bluestake – 602-263-1100) and shall eliminate all conflicts prior to construction.
- G. City of Goodyear is not liable for delays or damages to utilities related to this construction; neither will the City participate in the cost of utility construction or relocation.
- H. As-built drawings (1 set of Mylars and 2 sets of prints), certified by the Developer's engineer, shall be submitted to and accepted by the City Engineer before final acceptance of the work. (See as-built requirements.)
- I. Contractor shall continuously reference location of all valves during construction.
- J. All underground utilities located in the roadway shall be completed before paving.
- K. Base course shall not be placed until subgrade has been approved by City Inspectors.
- L. Gutters shall be water tested for drainage in the presence of the City Inspector.
- M. Exact point of matching termination and overlay shall be determined in the field by the City Engineer.
- N. Curb, gutter, sidewalk, and pavement shall be swept clean of dirt and debris.
- O. The Contractor shall obtain an air pollution permit from the Maricopa County Department of Environmental Quality. The Contractor shall comply with all Maricopa County Dust Control Permit requirements, to the satisfaction of the Goodyear City Engineer and the Maricopa County Department of Environmental Quality.
- P. Contractor is to install a blue reflector at all fire hydrant locations. Reflector to be glued to the finished paving at the appropriate location.

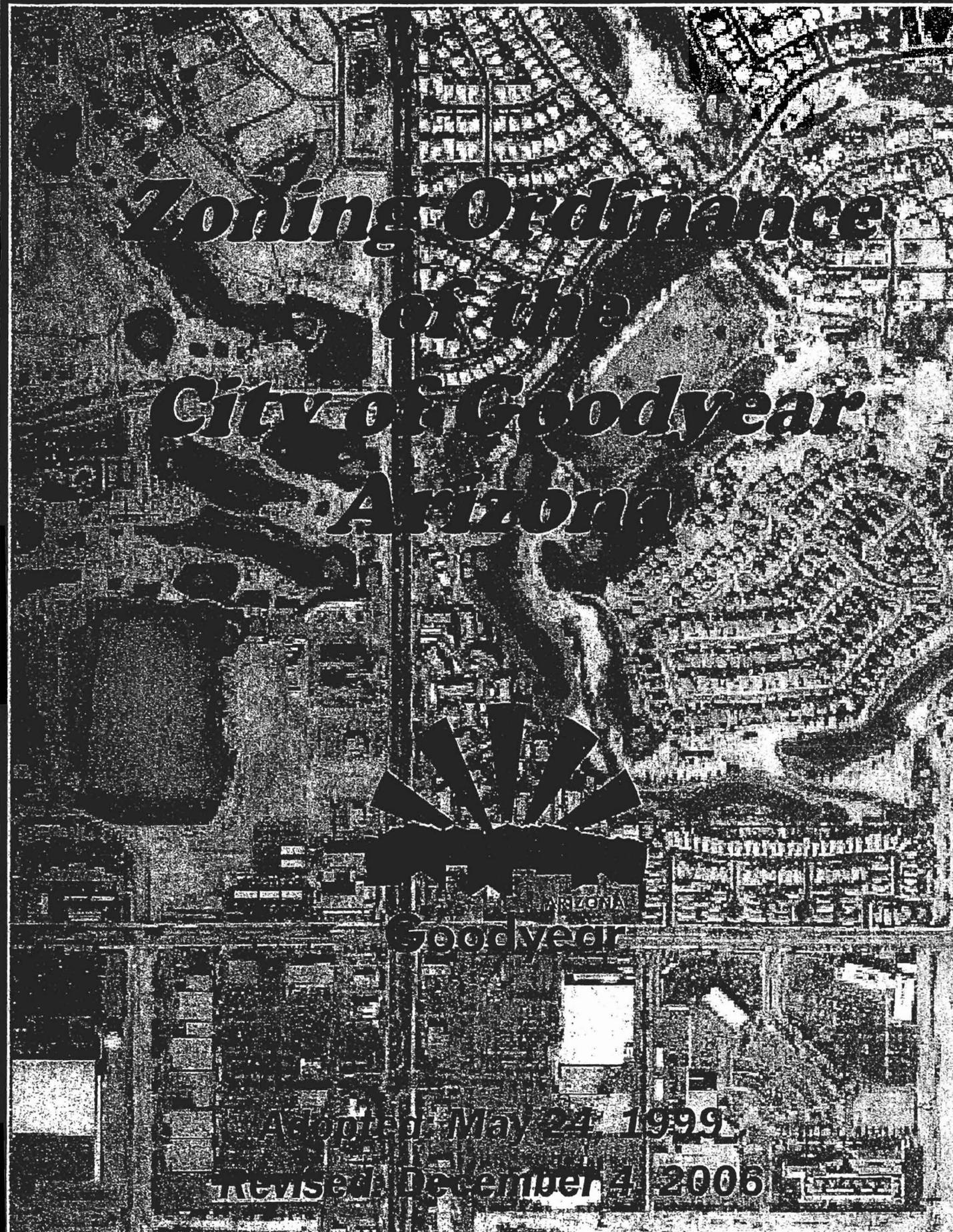
## 0.6.5 General Notes for Grading and Drainage Construction

All plans for on-site Grading and Drainage construction shall have the following shown on either the Cover Sheet or the Detail Sheet.

## CITY OF GOODYEAR

## GENERAL NOTES FOR GRADING AND DRAINAGE CONSTRUCTION

- A. An on-site grading permit is required.
- B. A separate permit is required for any off-site construction.
- C. City of Goodyear inspectors shall be notified at (623-882-7979) 48-hours prior to starting each phase of construction and each inspection requested.
- D. Finish floor elevations shall be a minimum of 14-inches above point of outfall. Carport elevations shall be 4-inches below finish floor elevation. Lots shall be designed to the street at a grade no less than 1 percent.
- E. Staking pad and/or finished floor elevations are the responsibility of the developer or his engineer. In a critical drainage area (FEMA Zones A, AO, AH, A1-A33, and A99), certification of the finished building floor or stem wall elevation shall be submitted and approved prior to any vertical construction. In non-critical areas, the developer's engineer shall submit certifications of constructed building pad elevations prior to the City's acceptance of project.
- F. The Contractor shall comply with the approved Storm Water Pollution Prevention Plan prepared in accordance with the City's General AZPDES Storm Water Permit requirements
- G. The grading contractor shall designate the location for wasting spoil materials and a letter from the owner giving permission for said disposal prior to starting on-site construction.
- H. Grading and drainage plan approval includes: construction of drainage plan including, but not limited to, retention and detention areas and/or other drainage facilities, surface grading, walls, curbs, asphalt pavement, and building floor elevations.
- I. The contractor shall provide all retention and detention basins at elevations as shown on the plans. Retention basins side slope shall not exceed 4:1 on private property or 6:1 adjacent to public right-of-way. Retention basins shall not exceed 3-foot depth on private property or 1.5-foot depth within 10-feet of public right-of-way.
- J. The contractor is responsible for locating and confirming depth of all the existing utility lines within proposed retention basin areas. If the basin cannot be constructed per plan as a result of conflict with underground utilities, the contractor should contact the City and designer and request modification of the basin design.
- K. This set of plans has been reviewed for compliance with City requirements prior to issuance of construction permits and shall be kept at the construction site. Such review shall not prevent the City from requiring correction of errors in plans which are found to be in violation of any law or ordinance.
- L. You are hereby advised that no person shall use any mechanical equipment for land leveling or clearing, road construction, trenching, excavating, demolition or engage in any earthmoving activity without first obtaining a permit from the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 150, Phoenix, AZ. 85003, Phone: 602-506-6666. (This notice is issued pursuant to A.R.S. 36-779.07, Notice of Building Agencies.)
- M. "As Built" drawings (1 set of mylars and 2 sets of prints), certified by the developer's engineer, shall be submitted and approved prior to issuance of a building "Certificate of Occupancy".



**Zoning Ordinance  
of the  
City of Goodyear  
Arizona**



Adopted: May 24, 1999  
Revised: December 4, 2006

DEVELOPMENT STD.  
SINGLE FAMILY

2. Stipulations for Residential Subdivisions and MH/RVP Developments.  
The following conditions are required for all residential developments:
- a. Compliance with the City's Engineering Design Standards for public works construction and with Maricopa Association of Governments standards for public works construction, except for modifications agreed to by the City.
  - b. Dedication of any necessary easements and rights-of-way, in form and substance acceptable to the City, prior to approval of any **Site Plans** or issuance of any construction permits on the rezoned land.
  - c. Compliance with the Flood Plain Management Ordinance or the receipt of a letter of approval from the Maricopa County Flood Control District explaining that the development is not in the floodplain.
  - d. Dust control on temporary accessways and roads during construction and maintenance of vacant parcels of the development, as required by the State, City and the County Bureau of Air Pollution.
  - e. The approval by City staff of street lighting systems within the proposed development.
  - f. A current Phase I Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made, together with any additional environmental surveys which the City deems necessary dependent upon review of the Phase I survey. Such survey shall cover publicly dedicated rights-of-way, or other parcels of land dedicated to the public excluding existing dedications.
  - g. The undergrounding of all utilities less than 69kV within and abutting the proposed development prior to issuance of construction permits for the applicable phase of development.
  - h. The developer to submit a copy of the legal documents pertaining to the establishment of a "Homeowners Association", if any, and any applicable restrictive covenants associated with the proposed development for City staff review and comment prior to Final Plat approval.

- g. **Common open space** shall be the central focus of the project. Open space that links recreational facilities with the dwellings and is uninterrupted by vehicular circulation or parking areas is highly encouraged.
  - h. Private outdoor space shall be provided in the form of patios and balconies with a minimum size of sixty (60) square feet per unit and a minimum dimension of six (6) feet.
3. Stipulations for multi-family development as applicable are as follows:

The following conditions are required for all residential developments:

- a. Compliance with the City's Engineering Design Standards for public works construction and with Maricopa Association of Governments standards for public works construction, except for modifications agreed to by the City.
- b. Dedication of any necessary easements and rights-of-way, in form and substance acceptable to the City, prior to approval of any **Site Plans** or issuance of any construction permits on the rezoned land.
- c. Compliance with the Flood Plain Management Ordinance or the receipt of a letter of approval from the Maricopa County Flood Control District explaining that the development is not in the floodplain.
- d. Dust control on temporary accessways and roads during construction and maintenance of vacant parcels of the development, as required by the State, City and the County Bureau of Air Pollution.
- e. The approval by City staff of street lighting systems within the proposed development.
- f. A current Phase I Environmental Survey designating the City of Goodyear as a named party to whom such survey is delivered and to whom such certification is made, together with any additional environmental surveys which the City deems necessary dependent upon review of the Phase I survey. Such survey shall cover publicly dedicated rights-of-way, or other parcels of land dedicated to the public excluding existing dedications.
- g. The undergrounding of all utilities less than 69kV within and abutting the proposed development prior to issuance of construction permits for the applicable phase of development.

G-4 OFF-STREET  
LOADING

1. Sufficient room for turning and maneuvering vehicles shall be provided on the site so that vehicles shall cross a property line only by driving forward. Driving over curbs or pavement rails is prohibited.
2. Each loading berth shall be **accessible** from a **street** or **alley** or from an aisle or drive connecting with a **street** or **alley**, without traversing a residential **district**.
3. Off-street loading facilities for a single use shall not be considered as providing required off-street loading facilities for any other use.
  - a. If more than one use is located on a site, the number of loading berths provided shall be equal to the sum of the requirements prescribed in this Ordinance for each use.
  - b. If more than one use is located on a site and the **gross floor area** of each use is less than the minimum for which loading berths are required but the aggregate **gross floor area** is greater than the minimum for which loading berths are required, off-street loading berths shall be provided as if the aggregate **gross floor area** were used for the use requiring the greatest number of loading berths.

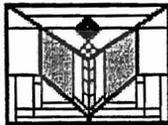
C. IMPROVEMENT STANDARDS.

The loading area, aisles, and **access** drives shall be paved and maintained so as to provide a durable, dustless surface and shall be so **graded** and drained so as to dispose of surface water without damage to private or public properties, **streets**, or **alleys**.

1. Bumper rails shall be provided at locations where needed for safety or to protect property.
2. The loading area is to be illuminated and lighting shall be deflected away from **abutting** residential site so as not to cause glare.

D. COMPLIANCE.

1. Off-street loading facilities shall be located on the same site with the use for which the berths are required.
2. At the time of initial occupancy, major alterations or enlargement of a site, or of completion of construction of a **structure** or of a major alteration or enlargement of a **structure**, there shall be provided by the owner a report of off-street loading berth requirements. The number of loading berths provided for a major alteration or enlargement of a site or **structure** shall be in addition to the number existing prior to the alteration or enlargement.



David Kanning/Goodyear

05/25/2007 08:53 AM

To Richard Subasic/Goodyear@Goodyear, Stephen  
Careccia/Goodyear@Goodyear

cc

bcc

Subject Stips

The developer shall control dust as required by the State, City and the County Bureau of Air Pollution throughout the site during construction;

Any mass graded pad shall be temporarily finished with a topping of decomposed granite (two inches minimum depth) prior to issuance of the first Certificate of Occupancy on the site;

David Kanning  
Planner II  
City of Goodyear  
195 North 145th Avenue Building D  
Goodyear, Arizona 85338  
Ph: 623-932-3005  
Fax: 623-932-7748  
Email: david.kanning@goodyearaz.gov

## 0.6 General Notes

## 0.6.1 General Notes for Construction

ALL plans for construction within City of Goodyear shall have the following shown on either the Cover Sheet or the Detail Sheet.

CITY OF GOODYEAR  
GENERAL NOTES FOR CONSTRUCTION

- A. All construction shall conform to the City EDS&PM, City Standard Details, and current MAG Uniform Standard Specifications and Details for Public Works Construction.
- B. This set of plans has been reviewed for compliance with City requirements prior to issuance of construction permits. However, such review shall not prevent the City from requiring correction of errors in plans found to be in violation of any law or ordinance.
- C. The City does not warrant any quantities shown on these plans.
- D. The City approval is for general layout in the right-of-way only. This approval is valid for a period of 1-year. Construction permits shall be obtained during this period or the plans shall be resubmitted for review and approval.
- E. An approved set of plans shall be available on the job site at all times.
- F. The City shall be notified 48-hours prior to any construction work and inspections (623-882-7979). Construction work concealed without inspection by the City shall be subject to exposure at the contractor's expense.
- G. Right-of-way improvements shall not be accepted until "As-Built" plans have been submitted and approved by the City. (See as-built requirements)
- H. The developer is responsible for the removal or relocation of all obstructions within the right-of-way prior to starting new construction.
- I. The developer is responsible for arranging the relocation and associated costs of all utilities. A utility relocation schedule shall be submitted prior to the issuance of permits.
- J. The developer is responsible for obtaining or dedicating all required rights-of-way and easements to the City prior to issuance of permits.
- K. The contractor shall contact BLUE STAKE (602-263-1100) at least 48-hours prior to construction.
- L. The contractor shall barricade construction sites at all times per the City of Phoenix Traffic Barricade Manual. When required by the City, a traffic control plan shall be submitted for approval in advance of construction.
- M. The contractor must request a meter for filling and testing of new water lines from their assigned Engineering Inspector. This meter should be ordered 2 working days prior to the start of construction. Potable water is not available for any other construction use. The unlawful removal of water from a fire hydrant or any other source is a violation of the municipal code, punishable by fine and/or imprisonment.
- N. Prior to moving or destroying protected native plant species, the Contractor shall file a formal Notice of Intent with the Arizona Department of Agriculture (602-542-6408).
- O. The Contractor shall comply with the Environmental Protection Agency National Pollution Discharge Elimination System (NPDES) Stormwater requirements established for construction sites.
- P. The contractor shall provide dust control to the satisfaction of the City Engineer. The contractor shall obtain a Dust Control Permit from the Maricopa County Air Quality Department.

## 0.6.2 General Notes for Street Construction

All plans for street construction within right-of-way or easements shall have the following shown on either the Cover Sheet or the Detail Sheet.

CITY OF GOODYEAR  
GENERAL NOTES FOR STREET CONSTRUCTION

- A. All construction shall be in accordance with the City EDS&PM, City Standard Details, and current MAG Uniform Standard Specifications and Details for Public Works Construction.
- B. Contractor shall obtain all necessary permits prior to construction.
- C. City of Goodyear inspectors shall be notified 48-hours prior to starting each phase of construction, and each inspection requested (623-882-7979).
- D. Any work performed without the approval of the City Engineer, and any work/material not in conformance with the specifications is subject to removal and replacement at the contractor's expense.
- E. The Contractor shall be responsible for verifying the location and elevation of any Utility Lines before starting construction. If the existing line is found to be in a substantially different location, or will adversely affect the operation of the utility, the Contractor shall notify the City of Goodyear prior to making the connections.
- F. Contractor shall have all existing underground utilities located (Bluestake – 602-263-1100) and shall eliminate all conflicts prior to construction.
- G. City of Goodyear is not liable for delays or damages to utilities related to this construction; neither will the City participate in the cost of utility construction or relocation.
- H. As-built drawings (1 set of Mylars and 2 sets of prints), certified by the Developer's engineer, shall be submitted to and accepted by the City Engineer before final acceptance of the work. (See as-built requirements.)
- I. Contractor shall continuously reference location of all valves during construction.
- J. All underground utilities located in the roadway shall be completed before paving.
- K. Base course shall not be placed until subgrade has been approved by City Inspectors.
- L. Gutters shall be water tested for drainage in the presence of the City Inspector.
- M. Exact point of matching termination and overlay shall be determined in the field by the City Engineer.
- N. Curb, gutter, sidewalk, and pavement shall be swept clean of dirt and debris.
- O. The Contractor shall obtain an air pollution permit from the Maricopa County Department of Environmental Quality. The Contractor shall comply with all Maricopa County Dust Control Permit requirements, to the satisfaction of the Goodyear City Engineer and the Maricopa County Department of Environmental Quality.
- P. Contractor is to install a blue reflector at all fire hydrant locations. Reflector to be glued to the finished paving at the appropriate location.

## 0.6.5 General Notes for Grading and Drainage Construction

All plans for on-site Grading and Drainage construction shall have the following shown on either the Cover Sheet or the Detail Sheet.

## CITY OF GOODYEAR

## GENERAL NOTES FOR GRADING AND DRAINAGE CONSTRUCTION

- A. An on-site grading permit is required.
- B. A separate permit is required for any off-site construction.
- C. City of Goodyear inspectors shall be notified at (623-882-7979) 48-hours prior to starting each phase of construction and each inspection requested.
- D. Finish floor elevations shall be a minimum of 14-inches above point of outfall. Carport elevations shall be 4-inches below finish floor elevation. Lots shall be designed to the street at a grade no less than 1 percent.
- E. Staking pad and/or finished floor elevations are the responsibility of the developer or his engineer. In a critical drainage area (FEMA Zones A, AO, AH, A1-A33, and A99), certification of the finished building floor or stem wall elevation shall be submitted and approved prior to any vertical construction. In non-critical areas, the developer's engineer shall submit certifications of constructed building pad elevations prior to the City's acceptance of project.
- F. The Contractor shall comply with the approved Storm Water Pollution Prevention Plan prepared in accordance with the City's General AZPDES Storm Water Permit requirements
- G. The grading contractor shall designate the location for wasting spoil materials and a letter from the owner giving permission for said disposal prior to starting on-site construction.
- H. Grading and drainage plan approval includes: construction of drainage plan including, but not limited to, retention and detention areas and/or other drainage facilities, surface grading, walls, curbs, asphalt pavement, and building floor elevations.
- I. The contractor shall provide all retention and detention basins at elevations as shown on the plans. Retention basins side slope shall not exceed 4:1 on private property or 6:1 adjacent to public right-of-way. Retention basins shall not exceed 3-foot depth on private property or 1.5-foot depth within 10-feet of public right-of-way.
- J. The contractor is responsible for locating and confirming depth of all the existing utility lines within proposed retention basin areas. If the basin cannot be constructed per plan as a result of conflict with underground utilities, the contractor should contact the City and designer and request modification of the basin design.
- K. This set of plans has been reviewed for compliance with City requirements prior to issuance of construction permits and shall be kept at the construction site. Such review shall not prevent the City from requiring correction of errors in plans which are found to be in violation of any law or ordinance.
- L. You are hereby advised that no person shall use any mechanical equipment for land leveling or clearing, road construction, trenching, excavating, demolition or engage in any earthmoving activity without first obtaining a permit from the Maricopa County Air Quality Department, 1001 N. Central Ave., Suite 150, Phoenix, AZ. 85003, Phone: 602-506-6666. (This notice is issued pursuant to A.R.S. 36-779.07, Notice of Building Agencies.)
- M. "As Built" drawings (1 set of mylars and 2 sets of prints), certified by the developer's engineer, shall be submitted and approved prior to issuance of a building "Certificate of Occupancy".

Revised to reflect MAG  
Regional Council approval  
on March 28, 2007

**SUGGESTED LIST OF MEASURES  
TO REDUCE PM-10 PARTICULATE MATTER**

These measures may or may not be feasible  
and available to the implementing entities

MEASURE	POTENTIAL IMPLEMENTING ENTITY
<b>Fugitive Dust Control Rules</b>	
1. <b>Public education and outreach (e.g., Clark County) with assistance from local governments</b> - This measure would involve publicity campaigns (e.g., Bring Back Blue) that increase public awareness of the PM-10 problem and discourage citizens from participating in activities that generate airborne dust.	County, local governments
2. <b>Extensive Dust Control Training Program (e.g., Clark County)</b> - This measure would involve conducting more frequent dust control training classes and implementing a formal certification program. The County would provide advanced training to representatives of trade associations to qualify them to conduct classes and issue certifications. The County video on dust control rules and practices will be updated and distributed to public agencies and private companies for use in training their employees.	County, private sector
3. <b>Dust Managers required at construction sites of 50 acres and greater (e.g., Clark County)</b> - This measure would require a dust manager to be present on construction sites where 50 or more acres of soil are disturbed.	County
4. <b>Dedicated enforcement coordinator for unpaved roads, unpaved parking, and vacant lots (e.g., Clark County)</b> - This measure would require that additional resources be dedicated to strengthen enforcement of Rule 310.01 for unpaved roads, unpaved parking lots, and vacant disturbed lots.	County
5. <b>Establish a certification program for Dust Free Developments to serve as an industry standard</b> - This measure would create a program to certify and publicize companies that routinely demonstrate exceptional efforts to reduce airborne dust.	State, County
6. <b>Better defined tarping requirements in Rule 310 to include enclosure of the bed</b> - This measure would modify Rule 310 to require that the cargo compartments of trucks whether loaded or empty be fully enclosed prior to traveling on paved public roads.	County

MEASURE	POTENTIAL IMPLEMENTING ENTITY
<p>7. <b>Conduct mobile monitoring to measure PM-10 and issue NOVs</b> - This measure involves deployment of a vehicle that has been instrumented to monitor PM-10 and meteorological conditions, so that sources can be identified, and immediate remediation and/or enforcement actions taken.</p>	County
<p>8. <b>Conduct nighttime and weekend inspections</b> - This measure would involve proactive inspections of nonpermitted and permitted PM-10 sources during non-daylight hours and on weekends.</p>	County
<p>9. <b>Increase inspection frequency for permitted facilities</b> - This measure would increase the number of proactive inspections conducted at permitted facilities.</p>	County
<p>10. <b>Increase number of proactive inspections in areas of highest PM-10 emissions densities</b>  - intensify training and education  - incentive program for compliance  - This measure would focus on the areas of highest PM-10 emissions density by increasing the number of inspectors and proactive inspections, conducting on-site training, offering incentives to reduce PM-10, and performing community outreach.</p>	County
<p>11. <b>Notify violators more rapidly to promote immediate compliance</b> - This measure would require inspectors that observe visible dust (e.g., opacity or trackout levels that are approaching rule limits) to call the permit holder and make reasonable efforts to inform a person on-site, so that measures can be taken to prevent, reduce, or mitigate dust generation before a violation occurs.</p>	County
<p>12. <b>Provide timely notification regarding high pollution days</b> - This measure would provide timely notification to permitted and nonpermitted sources when a High Pollution Advisory or High Pollution Watch is issued by ADEQ.</p>	County
<p>13. <b>Develop a program for subcontractors</b> - This measure would develop a program to register, educate, and give notices of violation (NOVs) to subcontractors through Rule 310. This program would not preclude the issuance of NOVs to the permit holder.</p>	County
<p>14. <b>Reduce dragout and trackout emissions from nonpermitted sources</b> - This measure would add dragout provisions to Rules 310 and 310.01 and enforce dragout and trackout provisions for nonpermitted sources. For example, trackout from salvage yards would be enforced by the County.</p>	County

MEASURE	POTENTIAL IMPLEMENTING ENTITY
15. <b>Cover loads/haul trucks in Apache Junction</b> - This measure would require loaded and empty haul trucks to be covered in the City of Apache Junction.	City of Apache Junction
16. <b>Require dust coordinators at earthmoving sites of 5-50 acres</b> - This measure would require an onsite dust control coordinator to be present on sites of 5 to 50 acres during active soil and rock excavation, soil and rock removal, and construction operations, including road construction operations, and related transport activities at access points to paved or unpaved roads. This person could also perform other tasks, but would be responsible for managing dust prevention and control on the site.	County
<b>General</b>	
17. <b>Create a dedicated funding source for the Maricopa County Air Program</b> - This measure would create a dedicated funding source for the County Air Program to support increased enforcement of Rule 310.01, and other air programs, as necessary. Example: Restore In-Lieu funding or some other fee to emissions testing, or other approach.	State, County
<b>Industry</b>	
18. <b>Fully implement Rule 316</b> - This measure would enforce the provisions of Rule 316, adopted by Maricopa County in June 2005, for nonmetallic mineral processing sources of PM-10.	County, private sector
19. <b>Require private companies to use PM-10 certified street sweepers on paved areas including parking lots (e.g., Clark County)</b> - This measure will require paved surfaces (e.g., parking lots) owned by private companies to be swept using PM-10 certified street sweepers.	State, private sector
20. <b>Provide incentives to shift hours of operation during stagnant conditions in November through February</b> - This measure would provide incentives to postpone activities that generate dust until after 9 a.m. on days between November 1 and February 15 when ADEQ issues a High Pollution Advisory (HPA) under stagnant conditions.	State
<b>Nonroad Activities</b>	
21. <b>Ban or discourage use of leaf blowers on high pollution advisory days</b> - This measure would restrict or prohibit the use of leaf blowers on days when ADEQ issues a High Pollution Advisory (HPA).	State, County
22. <b>Reduce off-road vehicle use in areas with high off-road vehicle activity (e.g., Goodyear Ordinance) - impoundment or confiscation of vehicles for repeat violations</b> - This measure would involve development and enforcement of ordinances or implementation of other actions to prevent or discourage off-road vehicle use in the PM-10 nonattainment area.	State, County, local governments

MEASURE	POTENTIAL IMPLEMENTING ENTITY
23. <b>Create a fund to provide incentives to retrofit nonroad diesel engines and encourage early replacements with advanced technologies</b> - This measure would establish funding to offer incentives for owners of older nonroad diesel equipment to retrofit or repower existing engines or replace with newer, less-polluting technology.	State
24. <b>Encourage early implementation of clean fuels for nonroad equipment.</b> - This measure would provide incentives for nonroad equipment to be retrofitted with diesel retrofit kits, newer clean diesel technologies and fuels; or "green diesel" biodiesel fuel, or other fuels that are cleaner than petroleum diesel.	State
25. <b>Ban leaf blowers from blowing debris into streets</b> - This measure would ban leaf blowers from blowing debris into the streets in Maricopa County.	State, County
26. <b>Implement a leaf blower outreach program</b> - This measure would involve the development and distribution of educational materials on reducing leaf blower dust and would require the private sector to provide the printed materials to customers who purchase or rent leaf blowers.	County, private sector
27. <b>Regulate and increase enforcement of ATV use on State land</b> - This measure would require the State to regulate and increase enforcement of all-terrain and off-highway vehicle use on State lands located in Area A.	State
28. <b>Ban ATV use on high pollution days</b> - This measure would ban ATV use on High Pollution Advisory days in Area A.	State
<b>Paved Roads</b>	
29. <b>Sweep streets with PM-10 certified street sweepers</b> - This measure would require all public paved roads in the PM-10 nonattainment area to be swept with purchased or contracted PM-10 certified sweepers.	County, local govts
30. <b>Retrofit onroad diesel engines with particulate filters</b> - This measure would establish a program with financial incentives to encourage the voluntary retrofit pre-2007 onroad diesel vehicles with particulate filters and oxidation catalysts.	State, County
<b>Unpaved Parking Lots</b>	
31. <b>Pave or stabilize existing unpaved parking lots (e.g., upgrade to Phoenix Parking Code) - strengthen enforcement</b> - This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas.	County, local governments

MEASURE	POTENTIAL IMPLEMENTING ENTITY
<b>Unpaved Roads</b>	
32. <b>Pave or stabilize existing public dirt roads and alleys</b> - This measure would revise Rule 310.01 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day (e.g., more than 50 vehicles per day).	County, local governments
33. <b>Limit speeds to 15 miles per hour on high traffic dirt roads</b> - This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic (e.g., 50-150 vehicles per day).	County, local governments
34. <b>Prohibit new dirt roads including those associated with lot splits</b> - This measure would prevent the construction of new dirt roads (e.g., prohibit wildcat subdivisions; require paving of roads before issuing a building permit) in the PM-10 nonattainment area.	State, County
<b>Unpaved Shoulders</b>	
35. <b>Pave or stabilize unpaved shoulders</b> - This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., more than 2,000 vehicles or 50 heavy duty trucks per average weekday).	County, local governments
<b>Unpaved Surfaces</b>	
36. <b>Create a fund for paving and stabilizing in high pollution areas</b> - This measure would create a particulate mitigation fund to pave and stabilize land surfaces in and around high pollution areas - Establish a grant program for private businesses to stabilize and pave - Direct fine monies from Maricopa County for stabilization efforts.	State, County, private sector
<b>Vacant Lots</b>	
37. <b>Strengthen and increase enforcement of Rule 310.01 for vacant lots</b> - This measure would increase the frequency of inspections and enforcement actions to reduce dust emitted by vacant lots.	County
38. <b>Restrict vehicular use and parking on vacant lots (e.g., Phoenix)</b> - This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant land.	State <sup>1</sup> , County, local governments
39. <b>Enhanced enforcement of trespass ordinances and codes</b> - This measure would increase the enforcement of vehicle trespass ordinances and codes for vacant lots.	County, local governments

<sup>1</sup>State was added by the Regional Council on March 28, 2007.

MEASURE	POTENTIAL IMPLEMENTING ENTITY
40. <b>Ability to assess liens on parcels to cover the costs of stabilizing them<sup>2</sup></b> - This measure would give the County the authority to provide that the costs of stabilizing the disturbed areas on any vacant lot be assessed upon the property to which the stabilization was applied.	State, County
<b>Woodburning</b>	
41. <b>Increase fines for open burning (currently \$25)</b> - This measure would increase the maximum fine for open burning in ARS Title 49-501 from \$25 per occurrence to a level that would serve as a deterrent (e.g., \$500 per occurrence).	State, County
42. <b>Restrict use of outdoor fireplaces and pits and ambience fireplaces in the hospitality industry</b> - This measure would prohibit burning in outdoor fireplaces, outdoor pits, and ambience fireplaces in the hospitality industry, and ban other nonessential wood fires on days during the period November 1 - February 15 when ADEQ issues a High Pollution Advisory (HPA).	State, County

Special Notes:

1. Further refinement of these measures may be made as additional information becomes available through the planning process. Maricopa County is in the process of refining the Draft 2005 Periodic Emissions Inventory for PM-10. The Maricopa Association of Governments will be conducting air quality modeling in the summer of 2007.
2. The Governor's Agricultural Best Management Practices Committee is in the process of evaluating potential measures to further reduce PM-10 emissions from agriculture for consideration for the Five Percent Plan for PM-10. This Committee was established by law in 1998 (Arizona Revised Statutes, Title 49-457) to develop an agricultural PM-10 general permit that would address the need for controls on agricultural operations. The potential agricultural measures will be presented to the MAG Air Quality Technical Advisory Committee for consideration.

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<sup>2</sup>This measure was added by the MAG Regional Council on March 28, 2007.

**DESCRIPTION OF LOCAL GOVERNMENT PM-10 MEASURES  
ON THE SUGGESTED LIST**

**1. Public education and outreach (e.g., Clark County) with assistance from local governments**

Measure Description: This measure would involve publicity campaigns (e.g., Bring Back Blue) that increase public awareness of the PM-10 problem and discourage citizens from participating in activities that generate airborne dust.

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 1 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: The annual budget for PM-10 education and outreach programs.

**22. Reduce off-road vehicle use in areas with high off-road vehicle activity (e.g., Goodyear Ordinance) - impoundment or confiscation of vehicles for repeat violations**

Measure Description: This measure would involve development and enforcement of ordinances or implementation of other actions to prevent or discourage off-road vehicle use in the PM-10 nonattainment area.

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 26 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: Area of the PM-10 nonattainment area to which the new off-road vehicle restrictions will apply.

**29. Sweep streets with PM-10 certified street sweepers**

Measure Description: This measure would require all public paved roads in the PM-10 nonattainment area to be swept with purchased or contracted PM-10 certified sweepers.

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 29 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: The number of sweepers to be bought or contracted each year to replace non-certified sweepers.

**31. Pave or stabilize existing unpaved parking lots (e.g., upgrade to Phoenix Parking Code) -**

## **strengthen enforcement**

Measure Description: This measure would involve strengthening and proactively enforcing dust control rules or ordinances that reduce fugitive dust and PM-10 emissions from existing unpaved parking and vehicle maneuvering areas.

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 32 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: Schedule for adopting a more stringent parking code. Annual resources budgeted to enforce the more stringent parking code.

## **32. Pave or stabilize existing public dirt roads and alleys**

Measure Description: This measure would revise Rule 310.01 to require paving or stabilizing of public dirt roads that carry less than 150 vehicles per day (e.g., more than 50 vehicles per day).

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 33 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: The total centerline miles and average daily traffic on roads to be stabilized each year. The total centerline miles and average daily traffic on roads to be paved each year.

## **33. Limit speeds to 15 miles per hour on high traffic dirt roads**

Measure Description: This measure would require 15 mph speed limit signs to be posted on dirt roads in the PM-10 nonattainment area that carry high traffic (e.g., 50-150 vehicles per day).

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 34 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: The centerline miles and average daily traffic on unpaved roads to be posted with 15 mph speed limit signs and the year this will take place.

## **35. Pave or stabilize unpaved shoulders**

Measure Description: This measure would require paving or stabilizing dirt shoulders on paved public roads that carry a high level of traffic (e.g., more than 2,000 vehicles or 50 heavy duty trucks per average weekday).

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 36 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February

27, 2007.

Suggested Units for Describing Measure Commitments: If paving, the linear miles (i.e., one centerline mile = two linear miles) and width of the shoulder (minimum 8 feet recommended) to be paved each year. If stabilizing, the linear miles to be stabilized, the material to be used, and the frequency of application each year.

### **38. Restrict vehicular use and parking on vacant lots (e.g., Phoenix)**

Measure Description: This measure would strengthen existing rules and ordinances that prohibit vehicle trespass on vacant land.

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 39 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: The schedule for adopting revisions to an existing rule or a new ordinance on vehicle use or parking on vacant lots.

### **39. Enhanced enforcement of trespass ordinances and codes**

Measure Description: This measure would increase the enforcement of vehicle trespass ordinances and codes for vacant lots.

Cost-Effectiveness: The cost-effectiveness for this measure is described under Measure 40 in the Draft Sierra Research Report, *Analysis of Particulate Control Measure Cost Effectiveness*, February 27, 2007.

Suggested Units for Describing Measure Commitments: Annual resources budgeted for enforcing restrictions on vehicle trespass on vacant lots.

**TOWN OF GUADALUPE**

RESOLUTION 2007-03

RESOLUTION TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA.

WHEREAS, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act, and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

WHEREAS, Arizona Revised Statutes 49-406G requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance, or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Common Council of the Town of Guadalupe, Arizona, as follows:

Section 1. That the Council of the Town of Guadalupe agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this resolution.

Section 2. That the Council of the Town of Guadalupe commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the Town agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

PASSED AND ADOPTED by the Mayor and Council of the Town of Guadalupe, Arizona this 12<sup>th</sup> day of July, 2007.

TOWN OF GUADALUPE:

ATTESTED TO:

*Bernadette Jimenez*  
Bernadette Jimenez, Mayor

*Rosemary Arellano*  
Rosemary Arellano, Town Clerk

APPROVED AS TO FORM:

*David Ledyard*  
David Ledyard, Town Attorney

**EXHIBIT A****MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION****MEASURE 1. Public education and outreach with assistance from local governments.**

**Measure Description:** The Town Council commits to distributing informational brochures and bulletins produced by the Arizona Department of Environmental Quality and Maricopa County through the Town's building and development department to building and development representatives when they meet with the Town's building inspector. Dust control and mitigation information will also be included in the Town's building information packet which will be distributed to all individuals requesting a permit from the building department.

**Responsible Agency and Authority for Implementation:** The building inspector, through the authority granted by A.R.S. Section 9-240, will distribute materials to the individuals responsible for obtaining the required building and development permits at the time a request for information to obtain a permit is made.

**Implementation Schedule:** The informational brochures and bulletins will be incorporated into the building information packet by August 1, 2007, with additional information being added to the packet over the next two years.

**Level of Personnel and Funding Allocated for Implementation:** Implementation of the measure will be conducted by the current building inspector. Material costs will be absorbed by the building inspection department in the current and future years.

**Enforcement Program:** N/A

**Monitoring Program:** Staff will track the number of permits issued that involve a new structure or significant development of property.

**MEASURE 22. Reduce off-road vehicle use in areas with high off-road vehicle activity.**

**Measure Description:** The building inspector along with law enforcement officers will monitor off-road vehicle activity during the day and night. Data will be gathered from July 1, 2007 to July 1, 2008 to determine whether there is a problem and what additional enforcement action will be implemented. MAG will be notified of the implementation plan.

**Responsible Agency and Authority for Implementation:** The Town of Guadalupe building department and law enforcement department through the authority granted to them by A.R.S. Section 9-240.

**Implementation Schedule:** Monitoring will begin on July 1, 2007 and continue to July 1, 2008. If problem areas are identified, a recommended course of action/implementation schedule will be

submitted to the Town Council no later than December 31, 2008. MAG will then be advised of the approved course of action.

**Level of Personnel and Funding Allocated for Implementation:** The building inspector and police officers will monitor any off-road vehicular activity.

**Enforcement Program:** If a need is identified, the recommended course of action may include the implementation of an enforcement program. MAG will be notified of any applicable actions undertaken by the Town.

**Monitoring Program:** The Town will submit reports to the State and/or County agencies showing the number of incidents reported or observed.

**MEASURE 29. Sweep streets with PM-10 certified street sweepers**

**Measure Description:** The Town of Guadalupe Public Works Department will use only PM-10 certified street sweepers to clean roads.

**Responsible Agency and Authority for Implementation:** The Town of Guadalupe Public Works Department, through the authority granted to them by A.R.S. Section 9-240.

**Implementation Schedule:** Regular street sweeping will begin September 1, 2007 and will provide for major arterial streets to be swept every two weeks and residential streets once every six weeks.

**Level of Personnel and Funding Allocated for Implementation:** The Public Works Department has two PM-10 certified street sweepers in the fleet. Operators will obtain the required license by September 1, 2007. The street sweeping program is fully funded.

**Enforcement Program:** N/A

**Monitoring Program:** N/A

**MEASURE 31. Pave or stabilize existing unpaved parking lots**

**Measure Description:** The Town will conduct an inventory to determine dirt parking lots and drive approaches. The building inspector will help to identify the unpaved parking lots and drive approaches and to determine the course of action needed to correct the deficiency.

**Responsible Agency and Authority for Implementation:** The Town of Guadalupe Public Works Department through the authority granted to them by A.R.S. Section 9-240.

**Implementation Schedule:** The study to identify dirt parking lots and drive approaches will be completed by October 1, 2007. The Town will begin working with property owners to stabilize these areas by January 1, 2008.

**Level of Personnel and Funding Allocated for Implementation:** The Public Works Director (building inspector) will be responsible to complete the study to identify the unpaved areas and work with the owners to effect stabilization. Town owned vacant lots and dirt approaches to buildings will be stabilized by using millings from street overlays scheduled during the 2008 fiscal year.

**Enforcement Program:** Review and adoption of a town ordinance to require all parking and vehicular traffic surfaces to be stabilized to reduce dust.

**Monitoring Program:** The building inspector will be responsible for monitoring.

**MEASURE 32. Pave or stabilize existing public dirt roads and alleys**

**Measure Description:** All streets in Guadalupe are paved. Alleys exist throughout town and a study will be taken to determine the extent these alleys add to the PM-10 problem and to determine the best option to stabilize these alleys.

**Responsible Agency and Authority for Implementation:** The Town of Guadalupe Public Works Department, through the authority granted to them by A.R.S. Section 9-240.

**Implementation Schedule:** The study will be completed by December 31, 2007. Stabilization will be phased in beginning March 1, 2008.

**Level of Personnel and Funding Allocated for Implementation:** The study will be conducted by current department personnel under the FY2008 budget. Administration and implementation of the measure will be conducted by current department personnel and included as part of the departmental personnel budget for future fiscal years. Funding to stabilize town owned alleys will need to be included in the budgets for future years.

**Enforcement Program:** The enforcement function will be staffed and administered under the Public Works Department.

**Monitoring Program:** The Public Works Director (building inspector) will monitor the application and the effectiveness of the dust control agent.

**MEASURE 35 Pave or stabilize unpaved shoulders**

**Measure Description:** All streets in Guadalupe are paved but many do not have curb and gutter and so there is an area of unpaved road from the edge of the asphalt to the road right of way. These are narrow areas and do not generate much, if any dust. A study will be taken to

determine if these areas pose a serious PM-10 problem and how best to stabilize these road shoulders.

**Responsible Agency and Authority for Implementation:** The Town of Guadalupe Public Works Department, through the authority granted to them by A.R.S. Section 9-240.

**Implementation Schedule:** The study will be completed by December 31, 2007. Stabilization will be phased in beginning March 1, 2008.

**Level of Personnel and Funding Allocated for Implementation:** The study will be conducted by current department personnel under the FY2008 budget. Administration and implementation of the measure will be conducted by current department personnel and included as part of the departmental personnel budget for future fiscal years. Funding to stabilize the unpaved shoulders of the roads will need to be included in the budgets for future years.

**Enforcement Program:** N/A

**Monitoring Program:** The Public Works Director (building inspector) will monitor the application and the effectiveness of the stabilization products used.

#### **MEASURE 38. Restrict vehicular use on vacant lots**

**Measure Description:** The Town will draft and adopt an ordinance to include requirements pertaining to restricting parking and driving on unpaved surfaces.

**Responsible Agency and Authority for Implementation:** The Town of Guadalupe Building Inspector, through the authority granted to him by A.R.S. Section 9-240.

**Implementation Schedule:** The Building Inspector will identify vehicular use and parking on vacant lots. Data will be gathered over the next 12 months to document cases where vehicular use and parking on vacant lots is taking place. If problems sites are identified, a recommended course of action/implementation plan will be submitted to the Town Council for approval no later than November 30, 2008. MAG will be notified of any plan implementation.

**Level of Personnel and Funding Allocated for Implementation:** The building inspector will perform monitoring activity during the normal course of daily work activities.

**Enforcement Program:** The building inspector will meet with violators and mediate a resolution.

**Monitoring Program:** Data will be gathered over the next 12 months to document cases where vehicular use and parking on vacant lots is taking place.

#### **MEASURE 39. Enhanced enforcement of trespass ordinances and codes.**

**Measure Description:** The Town will conduct a study to determine the number of vacant lots in excess of five acres. If any lots meeting this criteria are found and determined to pose a concern for PM-10 emissions, the Town will consider adopting a provision to require owners of vacant lots to trench and berm the perimeter of the property to prevent vehicular access.

**Responsible Agency and Authority for Implementation:** Enforcement of the policy will be by the Building Inspector and law enforcement officers as provided under A.R.S. Section 9-240.

**Implementation Schedule:** The study will be completed by November 30, 2007 with a policy for enforcement to be established by June 30, 2008.

**Level of Personnel and Funding Allocated for Implementation:** The study will be conducted by current department personnel under the FY2008 budget. Administration and implementation of the measure will be conducted by current department personnel and included as part of the departmental personnel budget for future fiscal years.

**Enforcement Program:** This measure will be enforced by citing the offending party with the matter being referred to the Guadalupe Municipal Court.

**Monitoring Program:** The Building Inspector will report violations of private trespass.

**CITY OF LITCHFIELD PARK**

**CITY OF LITCHFIELD PARK**

**RESOLUTION 07-253**

**RESOLUTION TO IMPLEMENT MEASURES IN THE  
MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE  
MARICOPA COUNTY NONATTAINMENT AREA**

**WHEREAS**, the Maricopa Association of Governments (MAG) has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

**WHEREAS**, the Maricopa County non-attainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

**WHEREAS**, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County non-attainment area failed to attain the PM-10 standard by December 31, 2006; and

**WHEREAS**, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

**WHEREAS**, Arizona Revised Statutes 40-406G requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance, or rule; a program for enforcement of the measures; and the level of personnel and funding allocated to the implementation of the measure.

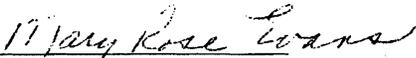
**NOW THEREFORE, BE IT RESOLVED** by the Mayor and City Council of the City of Litchfield Park, Arizona, as follows:

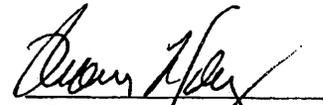
Section 1. That the Council of the City of Litchfield Park agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this resolution.

Section 2. That the City of Litchfield Park commits to implement the measures as scheduled and with the funding sources identified. Recognizing, however, that the availability of necessary funding may depend on the funding programs or processes of various state and federal agencies, the City agrees to consider modifications of the funding of schedules for implementation actions, if necessary.

**PASSED AND ADOPTED** by the Mayor and City Council of the City of Litchfield Park, Arizona this 18 day of July, 2007

**ATTEST:**

  
Mary Rose Evans, City Clerk MMC

  
Thomas L. Schoaf  
Mayor

**APPROVED AS TO FORM:**

  
Curtis, Goodwin, Sullivan, Udall & Schwab,  
P.L.C., City Attorneys  
By Susan D. Goodwin

## EXHIBIT A

### **Measure 1. Public education and outreach with assistance from local governments**

Measure description: The City Council will proclaim the first week of August to be “Dust Awareness Week”. Accompanying this action will be a news release to the local media. A flyer discussing the importance of reducing dust in the City of Litchfield Park will be made available in all city offices with public accessibility. Citizens will be able to call City Hall and speak with designated Staff regarding air quality concerns. Right-of-way encroachment and on-site building permits will be modified to include a reminder of dust control requirements.

Responsible Agency and Authority for Implementation: The City of Litchfield Park Public Works Department, through the authority granted to them by A.R.S. § 9-240.

Implementation Schedule: Program will begin on August 1, 2007 with the proclamation of “Dust Awareness Week”, and will recur each of the following two years.

Level of Personnel and Funding Allocated for Implementation: The program will be implemented by existing personnel. The annual time and material cost to implement the measure is estimated to be \$500-\$2,000 in FY 2008 and FY 2009.

Enforcement Program: N/A

Monitoring Program: Staff will track the number and type of calls received regarding dust issues to determine if the outreach campaign is effective.

### **Measure 22. Reduce off-road vehicle use in areas with high off-road vehicle activity**

Measure description: Code Enforcement staff will monitor off-road vehicle activity during the normal course of their daily work. Data will be gathered from August 1, 2007 to July 1, 2008 to determine whether there is a problem and enforcement measures need to be implemented. The identification of any problem areas and the recommended course of action will be submitted to Council for approval and implementation. MAG will be notified of implementation plan following Council’s approval.

Responsible Agency and Authority for Implementation: The City of Litchfield Park Public Works Department, and Code Enforcement staff through the authority granted to them by A.R.S. § 9-240.

Implementation Schedule: Monitoring will begin August 1, 2007 and continue to July 1, 2008. If problem areas are identified, a recommended course of action/implementation schedule will be submitted to Council no later than September 30, 2008. MAG will be notified of the approved course of action.

Level of Personnel and Funding Allocated for Implementation: Existing personnel in the Code Enforcement and Public Works Department will monitor any off-road vehicular activity.

Enforcement Program: If a need is identified, recommended course of action may include the implementation of an enforcement program. MAG will be notified of any applicable actions undertaken by the City.

Monitoring Program: Public Works staff will monitor City-owned property. Code Enforcement personnel will respond to complaints as they are received.

**Measure 29. Sweep streets with PM-10 certified street sweepers**

Measure description: The City of Litchfield Park is currently and will continue to use only PM-10 certified street sweepers to clean roads. Contractors retained by the City will also be required to use PM-10 certified street sweepers.

Responsible Agency and Authority for Implementation: The City of Litchfield Park Public Works Department through the authority granted to them by A.R.S. § 9-240.

Implementation Schedule: The City is currently in compliance.

Level of Personnel and Funding Allocated for Implementation: The City has applied for and received a grant to purchase a new PM-10 certified street sweeper in FY 2008. Until then, the City will use a contractor with a certified PM-10 street sweeper. The City has one full-time and one part-time employee designated for sweeping. Estimated personnel cost to the City is \$45,113.76. Funds from Capital Expenditure in the amount of \$24,495.31 are available for maintenance and supplies.

Enforcement Program: N/A.

Monitoring Program: N/A.

**Measure 31. Pave or stabilize existing unpaved parking lots**

Measure description: The City currently does not have any unpaved parking lots. The Code Enforcement Officer will help identify the privately-owned unpaved parking lots and determine the course of action needed to correct the deficiency.

Responsible Agency and Authority for Implementation: The City of Litchfield Park Public Works Department through the authority granted to them by A.R.S. § 9-240.

Implementation Schedule: The Code Enforcement Officer will begin immediately identifying unpaved privately-owned parking lots.

Level of Personnel and Funding Allocated for Implementation: The Code Enforcement Officer will address any non-compliance through their normal procedures.

Maricopa Association of Governments (MAG) Management Committee approved Litchfield Park's application for FY 2008 CMAQ (Congestion Mitigation Air Quality) funding to pave the unpaved alleys in the City. The total estimated project cost is \$758,541; with CMAQ funding of \$530,979, which covers 70% of the estimated project cost. The City has budgeted funds in the Capital Improvement Project for this project.

Enforcement Program: The City Code Chapter Nine section 9-5-4 states "The creation of dust in violation of requirements and standards of Maricopa County". Code Enforcement will address any non-compliance through their normal procedures.

Monitoring Program: Code Enforcement shall be responsible for monitoring privately-owned parking lots.

### **Measure 32. Pave or stabilize existing Public dirt roads and alleys**

Measure description: The City will continue to require paving or stabilization of all public roads in the City's jurisdiction, or shall be constructed to a standard approved by the city engineer.

Responsible Agency and Authority for Implementation: The City of Litchfield Park Public Works Department through the authority granted to them by A.R.S. § 9-240.

Implementation Schedule: The City will begin paving the dirt alleys within the City beginning Fiscal Year 2008.

Level of Personnel and Funding Allocated for Implementation: The City Council recently approved Resolution 06-238 related to paving dirt roads and alleys. The Maricopa Association of Governments (MAG) Management Committee approved Litchfield Park's application for FY 2008 CMAQ (Congestion Mitigation Air Quality) funding to pave the unpaved alleys in the City. The total estimated project cost is \$758,541; with CMAQ funding of \$530,979, which covers 70% of the estimated project cost. The City has budgeted funds in the Capital Improvement Project for this project.

Enforcement Program: Code Enforcement will address any non-compliance through their normal procedures. Exceptions are only allowed where there is no paved street between the subdivision and a paved major or collector street, an interim two lane street at least twenty-four feet wide shall be constructed to a standard approved by the city engineer on the major street, collector or local street right-of-way to the nearest paved major or collector street.

Monitoring Program: N/A.

**Measure 33. Limit speeds to 15 miles per hour on high traffic dirt roads**

Measure description: Dirt roads with traffic in excess of 50 vehicles per day.

Responsible Agency and Authority for Implementation:

Implementation Schedule: N/A. The City will begin paving the remaining dirt alleys in Fiscal Year 2008.

Level of Personnel and Funding Allocated for Implementation: N/A.

Enforcement Program: N/A

Monitoring Program: N/A.

**Measure 35. Pave or stabilize unpaved shoulders**

Measure description: Paving or stabilizing dirt shoulders on paved public roads with more than 2,000 vehicles or 50 heavy duty trucks per average weekday.

Responsible Agency and Authority for Implementation: N/A

Implementation Schedule: N/A. The public roads that have more than 2,000 vehicles or 50 heavy duty trucks per day average currently have stabilized unpaved shoulders.

Level of Personnel and Funding Allocated for Implementation: N/A.

Enforcement Program: N/A

Monitoring Program: The Streets Supervisor will monitor any application and the effectiveness of dust control agent and make arrangements for reapplication at needed intervals.

**Measure 38. Restrict vehicular use and parking on vacant lots**

Measure description: The city will continue to enforce City and Zoning Code requirements pertaining to the restriction of parking and driving on unpaved surfaces.

Responsible Agency and Authority for Implementation: Code Enforcement will address any non-compliance through their normal procedures as granted to them by A.R.S. §9-240.

Implementation Schedule: Code Enforcement staff will identify vehicular use and parking on vacant lots through their normal daily activity. Data will be gathered over the next 12 months to document cases where vehicular use and parking on vacant lots is taking place. If problem sites are identified, a recommended course of action/implementation plan will be submitted to the City Council for approval no later than September 30, 2008. MAG will be notified of any plan(s) implemented.

Level of Personnel and Funding Allocated for Implementation: Code Enforcement personnel will perform monitoring activity during the normal course of their daily work activities..

Enforcement Program: Code Enforcement personnel will be available to meet with violators to assist with any issues.

Monitoring Program: Data will be gathered over the next 12 months to document cases where vehicular use and parking on vacant lots is taking place.

**Measure 39. Enhanced enforcement of trespass ordinances and codes**

Measure description: The city will monitor vehicle trespass activity from August 1, 2007 to June 30, 2008 to determine whether a problem exists.

Responsible Agency and Authority for Implementation: Code Enforcement with the assistance of the Public Safety authority will address any non-compliance through their normal procedures as granted to them by A.R.S. §9-240.

Implementation Schedule: Data will be gathered from August 1, 2007 through June 30, 2008. If a problem exists, staff will develop a plan for review and approval by the City Council.

Level of Personnel and Funding Allocated for Implementation: Code Enforcement personnel will monitor activity during the normal course of their normal work activities.

Enforcement Program: Through the combined efforts of Public Safety authority and Code Enforcement.

Monitoring Program: Through the combined efforts of the Public Safety authority and Code Enforcement.

**CITY OF MESA**

RESOLUTION NO. 9009

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MESA, MARICOPA COUNTY, ARIZONA, TO IMPLEMENT MEASURES IN THE MAG 2007 FIVE PERCENT PLAN FOR PM-10 FOR THE MARICOPA COUNTY NONATTAINMENT AREA

WHEREAS, the Maricopa Association of Governments has been designated by the Governor of Arizona, as the regional air quality planning agency in Maricopa County; and

WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area for PM-10 particulate matter according to the Clean Air Act; and

WHEREAS, the Five Percent Plan for PM-10 is required by the Clean Air Act since the Maricopa County nonattainment area failed to attain the PM-10 standard by December 31, 2006; and

WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year until the standard is met; and

WHEREAS, Arizona Revised Statutes §49-406 G. requires that each agency that commits to implement a control measure describe that commitment in a resolution adopted by the governing body which specifies its authority for implementing the measure as provided in statute, ordinance, or rule; a program for enforcement of the measures, and the level of personnel and funding allocated to the implementation of the measure.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Mesa as follows:

SECTION 1. That the Mesa City Council agrees to proceed with a good faith effort to implement the measures identified in Exhibit A which is part of this resolution.

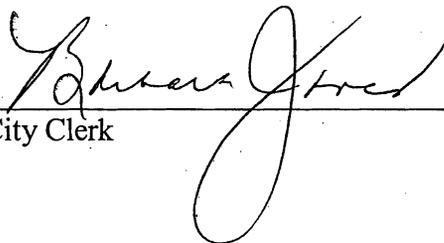
SECTION 2. That the Mesa City Council commits to implementing the measures as scheduled and with the funding sources identified on Exhibit A. Recognizing, however, that the availability of necessary funding may depend on the programs or processes of various state and federal agencies, the City agrees to consider modifications of the funding or schedules for implementation actions, if necessary.

PASSED AND ADOPTED by the Mayor and City Council of the City of Mesa, Arizona this 25<sup>th</sup> day of June, 2007.

APPROVED:

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Clerk



## EXHIBIT A

### COMMITMENTS TO IMPLEMENT MEASURES IN THE MARICOPA ASSOCIATION OF GOVERNMENTS (MAG) FIVE PERCENT PLAN FOR PM-10

#### Measure Title:

**Public education and outreach with assistance from local governments (MAG Measure #1)**

#### Measure Description:

The City of Mesa will distribute materials from the Maricopa County Bring Back the Blue campaign, at City household hazardous waste collection events, and at various City facilities. Other materials provided by the County and State will be distributed as they become available.

The City will also create and publish articles on dust control in various publications such as the City Manager's message, employee newsletters, and in the City of Mesa utility bill and will continue to conduct annual dust awareness training for field personnel. The City will maintain air quality information on the City's Internet web site and provide residents with the ability to file on-line dust complaints with the City of Mesa. The City will also maintain links on its website to the Arizona Department of Environmental Quality, Maricopa County Air Quality Department, and other educational information related to air quality. In addition, the Police Department has coordinated with the Tonto National Forest Mesa Ranger District and the Arizona Trail Riders on public outreach efforts on recreational and motor vehicle use in desert areas.

#### Implementing City Department:

The Environmental Programs Division is responsible for conducting public education and outreach related to regional air quality issues.

#### Authority for Implementation

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I: Powers of the City

#### Implementation Schedule:

Maricopa County Bring Back Blue materials were distributed at two household hazardous waste events during fiscal year 06/07. Approximately 2,000 residents attended these events. The City of Mesa has four HHW events scheduled for FY 07/08. Approximately 400 city employees were trained on dust awareness in FY 06/07.

Over the past several years, the Environmental Programs Division has received approximately 80 dust complaints per year.

Air quality dust control articles are published periodically and web-site information is updated continuously.

**Personnel and/or Funding**

Funding is allocated through the annual budget process to fund staff positions in Environmental Programs.

**Enforcement Program**

This measure does not involve an ordinance or code therefore; no direct enforcement program is required.

**Monitoring Program**

The City of Mesa will submit progress reports to the State and/or County upon request.

**Measure Title:**

**Pave or Stabilize Existing Unpaved Parking Lots (MAG Measure #31)**

**Measure Description:** The City's regulation of unpaved parking lots is based upon the City Codes and Policies discussed below.

- **Particulate Pollution Ordinance:** City of Mesa Code 8-2-4 (E) requires that no person shall operate, maintain, use or allow the use of any unpaved area larger than five thousand (5,000) square feet for the parking, storage, servicing, or dispatching of motor vehicles without first implementing control measures to effectively prevent or minimize fugitive dust. To enhance the effectiveness of the particulate pollution ordinance, the Environmental Programs Division will evaluate the possibility of removing the square footage requirement (>5000 square feet) for unpaved parking lots.
- **Public Nuisances, Property Maintenance and Neighborhood Preservation:** City of Mesa Code 8-6-3 (T) requires that it shall be unlawful to park any motor vehicle within the front or side yard of a single-residence use unless such parking is on an improved, dustproof parking surface.
- **Public Nuisances, Property Maintenance and Neighborhood Preservation:** City of Mesa Code 8-6-3 (J) requires that it shall be unlawful for any person to display any vehicle or boat for sale, rent, or lease on vacant or undeveloped or unsurfaced property, and no owner or occupant of vacant, undeveloped, or unsurfaced property shall allow or permit such displays.
- **Zoning Code- Parking Regulations:** City of Mesa Code 11-16-2 (E) requires that parking and loading spaces, maneuvering areas, and driveways shall be paved with asphalt, concrete, paving stone, or masonry to a sufficient thickness to withstand vehicular traffic.

**Implementing City Department:**

Environmental Programs has one full time staff person who will focus inspection efforts on dust generating activities (unpaved parking lots, construction and vacant parcels). Additionally, there are two full time Environmental Specialist and a Division Administrator who are authorized to support the particulate pollution program including conducting inspections and initiating enforcement actions. [8-2-4 (E)]

Code Compliance staff enforces the parking ordinance. [8-6-3 (T) and 8-6-3 (J)]

The Planning and Building Safety Divisions enforces the zoning code [11-16-2 (E)].

**Authority for Implementation:**

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I: Powers of the City  
Mesa City Code, Section 8-2-4 (E), 8-6-3 (T), 8-6-3 (J) and Section 11-16-2 (E)

**Implementation Schedule:**

Implementation of current codes will be ongoing.

Environmental Programs will complete the review of the current particulate pollution ordinance and any edits by January 1, 2008.

**Personnel and/or Funding:**

Funding is allocated through the annual budget process to fund staff positions in Environmental Programs, Code Compliance, Planning and Building Safety.

**Enforcement Program:**

The Environmental Programs Division conducts proactive inspections of construction sites and inspects City owned vacant lots monthly. Over the past several years, the Environmental Programs Division has conducted on average more than 160 dust inspections annually.

The Code Compliance Division generally enforces ordinances on a complaint basis. Over the last several years, Code Compliance issued an average of 1989 notices for parking violations on unimproved surfaces.

AZ Revised Statute, Section 49-406 grants Maricopa County and the ADEQ the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The City of Mesa will submit progress reports to the State and/or County upon request.

**Measure Title:**

**Restrict Vehicle Use and Parking on Vacant Lands (MAG Measure #38)**

**Measure Description:** The City's regulation of vehicle use and parking on vacant lands is based upon the City Codes and Policies discussed below.

- **Particulate Pollution Ordinance:** City of Mesa Code 8-2-4 (D) requires that no person shall cause, suffer, or allow a vacant parcel or an urban or suburban area to be driven over or used by motor vehicles or off-road vehicles without first implementing control measures to effectively prevent or minimize fugitive dust.
- **Particulate Pollution Ordinance:** City of Mesa Code 8-2-4 (F) requires that no person shall cause or allow any vacant parcel to remain unoccupied, unused, vacant, or undeveloped for more than fifteen (15) days without first implementing control measures to effectively prevent or minimize fugitive dust.
- **Public Nuisances, Property Maintenance and Neighborhood Preservation:** City of Mesa Code 8-6-3 (J) requires that it shall be unlawful for any person to display any vehicle or boat for sale, rent, or lease on vacant or undeveloped or unsurfaced property, and no owner or occupant of vacant, undeveloped, or unsurfaced property shall allow or permit such displays.
- **City Property:** The City of Mesa owns properties that have been acquired for future uses. Periodic inspections are conducted to ensure the properties are stabilized in compliance with Maricopa County Rule 310.01. Stabilization methods include heavy watering, rock products, and chemical stabilizers. In addition, access is controlled with signs, berms, fencing, or other methods as necessary.

**Implementing City Department:**

Environmental Programs has one full time staff person who will focus inspection efforts on dust generating activities (unpaved parking lots, construction and vacant parcels). Additionally, there are two full time Environmental Specialist and a Division Administrator who are authorized to support the particulate pollution program including conducting inspections and initiating enforcement actions. The Environmental Programs Division also inspects all City owned vacant lots on a monthly basis.

The Code Compliance Division is responsible for enforcement of Public Nuisances, Property Maintenance and Neighborhood Preservation ordinances.

**Authority for Implementation:**

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I - Powers of the City  
Mesa City Code, Section 8-2-4 (D), Section 8-2-4 (F) and Section 8-6-3 (J)

**Implementation Schedule:**

Implementation will be ongoing.

**Personnel and/or Funding:**

Funding is allocated through the annual budget process to fund staff positions in Environmental Programs and Code Compliance.

**Enforcement Program:**

Over the past several years, the Environmental Programs Division has responded to an average of 80 dust complaints and has conducted an average of 162 dust inspections annually.

The Environmental Programs Division inspects City owned vacant lots monthly.

Over the past three years, the Code Compliance Division has issued to an average of 1989 notices of violation for parking violations on unimproved surfaces.

AZ Revised Statute, Section 49-406 grants Maricopa County and the ADEQ the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The City of Mesa will submit progress reports to the State and/or County upon request.

**Measure Title:**

**Reduce Off-Road Vehicle Use in Areas with High Off-Road Vehicle Activity (MAG Measure #22) and Enhanced Enforcement of Trespass Ordinances and Codes (MAG Measure #39)**

**Measure Description:** The City's regulation of trespass and off-road vehicle usage is based upon the City Codes and Policies discussed below.

- **Particulate Pollution Ordinance:** City of Mesa Code 8-2-4 (D) requires that no person shall cause, suffer, or allow a vacant parcel or an urban or suburban area to be driven over or used by motor vehicles or off-road vehicles without first implementing control measures to effectively prevent or minimize fugitive dust.
- **City Property:** The City of Mesa owns properties that are acquired for future uses. Periodic inspections are conducted to ensure the properties are stabilized in compliance with Maricopa County Rule 310.01. Access to these properties is controlled with signs, berms, fencing, or other methods as necessary.
- **Trespass Enforcement:** The City of Mesa has a trespass enforcement program that allows property owners to place "No Trespassing" signs on their property and submit a letter to the City of Mesa Police Department that gives them the authority to enforce trespass violations on their property. In addition, the Police Department has coordinated with the Tonto National Forest, Mesa Ranger District and the Arizona Trail Riders on public outreach efforts on recreational and motor vehicle use in desert areas.

**Implementing City Department:**

Environmental Programs has one full time staff person who will focus inspection efforts on dust generating activities (unpaved parking lots, construction and vacant parcels). Additionally, there are two full time Environmental Specialist and a Division Administrator who are authorized to support the particulate pollution program including conducting inspections and initiating enforcement actions. Environmental Programs inspects City owned lots monthly and responds to complaints regarding trespass on City property by off-road vehicles.

The City of Mesa Police Department actively enforces trespass on properties after a reasonable request to leave has been made. A reasonable request can be made in person by the property owner or by posting a "NO TRESPASSING" sign on the property.

**Authority for Implementation:**

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I - Powers of the City  
Mesa City Code 8-2-4 (D)  
AZ Revised Statute, Section 13-1502: Criminal Trespass

**Implementation Schedule:**

Implementation will be ongoing.

**Personnel and/or Funding:**

Funding is allocated through the annual budget process to fund staff positions in Environmental Programs and the Police Department.

**Enforcement Program:**

The Environmental Programs Division conducts proactive inspections of City owned vacant lots approximately monthly.

The Police Department generally enforces trespass violations on a complaint basis.

AZ Revised Statute, Section 49-406 grants Maricopa County and the ADEQ the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The City of Mesa will submit progress reports to the State and/or County upon request.

**Measure Title:**

**Pave or Stabilize Unpaved Existing Public Dirt Roads and Alleys (MAG Measure #32)**

**Measure Description:**

In 1998, the City of Mesa committed to stabilizing and/or paving unpaved roads and alleys. The City of Mesa currently has less than 1 mile of unpaved roads, and has stopped using alleys for Solid Waste vehicles. The termination of the use of alleys for Solid Waste vehicles has reduced the average daily trips in alleys and therefore, they are stable longer and produce less emissions. The City's program to stabilize unpaved roads and alleys will be updated to specify that prioritization will be given to unpaved roads and alleys with an estimated traffic volume of over 50 trips per day.

The City of Mesa has also adopted an alley abandonment program that will allow residents to have ownership of the alleys. As part of the alley abandonment program, gates will be installed at entrances to the alleys and access will be restricted to property owners and utility service vehicles. This program will help reduce the number of unpaved alleys with over 50 trips per day.

**Implementing City Department:**

The City of Mesa Transportation Department is responsible for paving and dust proofing City streets and evaluating effective dust suppressants. The Environmental Programs Division has worked with the Transportation Department to develop an inventory and prioritization of unpaved roads and alleys.

**Authority for Implementation:**

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I - Powers of the City

**Implementation Schedule:**

Inventory of unpaved roads and alleys is conducted annually and they are inspected periodically to determine if they are in need of stabilization.

**Personnel and/or Funding:**

Funding for personnel and resources is allocated through the annual budget process.

In January 2007, The City of Mesa started collecting an Environmental Compliance fee that will be used, in part, to pay for the stabilization of unpaved roads, and alleys. The City has budgeted approximately \$150,000 for stabilization of roads and alleys in the FY 06/07 budget.

In FY 07/08 the City of Mesa will implement a pilot alley abandonment program. As part of this program all fees associated with the program will be eliminated and \$20,000 will be used to

purchase and install fences that will limit access in the alleys.

**Enforcement Program:**

AZ Revised Statute, Section 49-406 grants Maricopa County and the ADEQ the authority to enforce measures defined in the Non-attainment Area Plans..

**Monitoring Program:**

The City of Mesa will submit progress reports to the State and/or County upon request.

**Measure Title:**

**Pave or Stabilize Unpaved Shoulders (MAG Measure #35)**

**Measure Description:**

In 1998, the City of Mesa committed to stabilizing and/or paving unpaved shoulders. The City of Mesa currently has approximately 64 miles of unpaved shoulders and the City of Mesa continues to implement stabilization plans for these unpaved shoulders. The City's program to stabilize unpaved shoulders will be updated to specify that prioritization will be given to shoulders with an estimated traffic volume over 50 trips per day.

**Implementing City Department:**

The City of Mesa Transportation Department is responsible for paving and dust proofing City streets and evaluating effective dust suppressants. The Environmental Programs Division has worked with the Transportation Department to develop an inventory and prioritization of unpaved shoulders and access points.

**Authority for Implementation:**

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I - Powers of the City

**Implementation Schedule:**

Inventory of shoulders is conducted annually and they are inspected periodically to determine if they are in need of stabilization.

Over the past several years the City of Mesa has applied a dust palliative to stabilize an average of 47 miles of unpaved shoulders per year.

**Personnel and/or Funding:**

Funding for personnel and resources is allocated through the annual budget process.

In January 2007, the City of Mesa started collecting a Federal Environmental Compliance fee that will be used, in part, to pay for the stabilization of shoulders. The City has budgeted approximately \$150,000 for stabilization of roads, shoulders and alleys in the FY 06/07 budget.

**Enforcement Program:**

AZ Revised Statute, Section 49-406 grants Maricopa County and the ADEQ the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The City of Mesa will submit progress reports to the State and/or County upon request.

**Measure Title:**

**Limit Speeds to 15 Mile-Per-Hour Speed Limits on High Traffic Dirt Roads  
(MAG Measure #33)**

**Measure Description:**

The 15-MPH speed limits are not currently used by the City of Mesa because the City of Mesa has less than 1 mile of unpaved roads and none of these roads have an estimated traffic volume of more than 50 trips per day.

**Implementing City Department:**

The City of Mesa Transportation Department is responsible for establishing speed limits on City streets.

**Authority for Implementation:**

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I - Powers of the City

**Implementation Schedule:**

Not applicable.

**Personnel and/or Funding:**

Not applicable.

**Enforcement Program:**

AZ Revised Statute, Section 49-406 grants Maricopa County and the ADEQ the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The City of Mesa will submit progress reports to the State and/or County upon request.

**Measure Title:**

**Sweep Streets with PM-10 Certified Street Sweepers (MAG Measure #29)**

**Measure Description:**

The City of Mesa uses only PM-10 certified street sweepers to sweep streets. In FY 06/07 one new PM-10 certified street sweeper will be purchased and four existing street sweepers will be replaced.

The Transportation Department also requires that all contracted street sweeping be conducted using PM-10 certified street sweepers. In 2006, the City of Mesa swept approximately 13,500 centerline miles of streets.

**Implementing City Department:**

The City of Mesa Transportation Department is responsible for sweeping streets and contract monitoring of the street sweeping contract.

**Authority for Implementation:**

AZ Revised Statute, Section 9-240: General Powers of Councils  
Mesa City Charter, Article I - Powers of the City

**Implementation Schedule:**

Ongoing

**Personnel and/or Funding:**

Funding for the Transportation Department personnel and resources is allocated through the annual budget process.

In January 2007, The City of Mesa began collecting an Environmental Compliance fee that will be used, in part, to pay for sweeping streets with PM-10 certified sweepers. The FY 06/07 budget included \$1.6 million for street sweeping activities.

**Enforcement Program:**

AZ Revised Statute, Section 49-406 grants Maricopa County and the ADEQ the authority to enforce measures defined in the Non-attainment Area Plans.

**Monitoring Program:**

The City of Mesa will submit progress reports to the State and/or County upon request.

**8-2-4: COMPLIANCE LIMITS:**

- (A) No person shall cause, suffer, allow, or engage in any dust-generating operation which causes fugitive dust emissions to exceed twenty percent (20%) opacity. (3465)
1. Opacity shall be determined by observations for visible emissions of stationary sources of fugitive dust and shall be conducted in accordance with techniques specified in Reference Method 9 adopted by the United States Environmental Protection Agency or by an equivalent method approved by the City of Mesa. (3465)
  2. Opacity observations for intermittent sources of fugitive dust shall be conducted in accordance with this Section and shall not exceed twenty percent (20%) opacity for three (3) minutes within a thirty-(30-) minute period. (3465)
- (B) No person shall allow any machinery or vehicles to exit from a construction or development site or from a special event site disturbed surface area and thereby cause to be deposited upon a street any accumulation of soil. (3465)
1. In addition, all work sites five (5) acres or larger must have a suitable track-out control device installed at all entrances to a public access roadway. (3465)
  2. When spillage or track-out occurs onto any public access roadway, such deposits shall be cleaned up implementing control measures so as to prevent or minimize fugitive dust. Cleanup shall occur at the following frequency: (3465)
    - (a) When deposits extend a cumulative distance of fifty (50) linear feet or greater onto any public access roadway, such deposits shall be cleaned up immediately. (3465)
    - (b) All other deposits onto a public access roadway shall be cleaned up within two (2) hours of their occurrence. (3465)
    - (c) Deposition onto roadways temporarily restricted from public access shall be cleaned up prior to resuming public access. (3465)
- (C) No person shall cause, suffer, or allow the deposition of bulk materials onto any paved roadway, paved parking, or paved staging area from adjacent real property, whether by natural or man-caused forces of erosion. In the event that such deposits originating from the real property occur, the property owner, operator, or designated agent thereof shall undertake all of the following actions: (3465)
1. Remove any and all deposits utilizing the appropriate control measures within twenty-four (24) hours of the deposit's occurrence or prior to the resumption of traffic on pavement where the pavement area has been closed to traffic. City operations to clean streets after storm events when no party responsible for the deposits can be located are exempt from this requirement. (3465)
  2. Dispose of the bulk materials resulting from the removal of these deposits in such a manner so as not to cause or become another source of fugitive dust. (3465)
- (D) No person shall cause, suffer, or allow a vacant parcel or an urban or suburban open area to be driven over or used by motor vehicles or off-road vehicles without first implementing control measures to effectively prevent or minimize fugitive dust. (3465)
- (E) No person shall operate, maintain, use, or allow the use of any unpaved area larger than five thousand (5,000) square feet for the parking, storage, servicing, or dispatching of motor vehicles without first implementing control measures to effectively prevent or minimize fugitive dust. (3465)
- (F) No person shall cause or allow any vacant parcel to remain unoccupied, unused, vacant, or undeveloped for more than fifteen (15) days without first implementing control measures to effectively prevent or minimize fugitive dust. (3465)

- (E) No owner or occupant of land within the City shall allow plant growth which is dead, dormant, or so dry as to be readily flammable or combustible on such land that may constitute a fire hazard or other threat to the public health or safety. (2568)
- (F) No person shall deposit in, sweep upon, or permit to drain into any public right-of-way or public place of the City any garbage, junk, obstruction, or similar matter or any hazardous material which is offensive to sight or smell or impedes passage or is detrimental to public health. (2568)
- (G) It shall be unlawful to allow any swimming pool or similar body of water to stagnate and thereby become eutrophic, polluted, or offensive to the senses and unsafe for its intended use. (2568)
- (H) No owner or occupant of a building or structure within the City shall permit graffiti on the building or structure or fail to eradicate graffiti from the building or structure within fifteen (15) days of a notice to abate under this Chapter. (2568)
- (I) It shall be unlawful to erect or maintain any electric fence or to attach to any fence any glass, nails, metal objects, or other materials in such a manner that is likely to injure any person who comes in contact with such object, or to erect or maintain any barbed wire or razor wire except that no more than three (3) strands of barbed wire or one (1) coil of razor wire not less than six feet and two inches (6'2") above the ground are permitted at the top of an otherwise lawful fence enclosing a municipal, institutional, or commercial use. Barbed wire fencing is not prohibited on premises larger than one (1) acre used for agricultural or livestock purposes. Barbed wire or razor wire shall not extend beyond the premises permitted to be enclosed. (2568,3388)
- (J) It shall be unlawful for any person to display any vehicle or boat for sale, rent, or lease on vacant or undeveloped and unsurfaced property, and no owner or occupant of vacant, undeveloped, or unsurfaced property shall allow or permit such displays. (2568,3388)
- (K) It shall be unlawful for an owner or occupant to fail to properly maintain, repair, or replace the exposed exterior surfaces of a building or structure including exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches, and railings as visible from the adjacent rights-of-way, using materials, colors, or finishes that are incongruous with the predominant materials, colors, or finishes of the exposed exterior surface when such incongruous materials, colors, or finishes constitute more than twenty (20) contiguous square feet, or more than ten percent (10%) of the area of any exposed individual plane surface unbroken by corners or angles. (2568,3388,3478)
- (L) It shall be unlawful for any person to park and for an owner or occupant of land to allow or permit any person to park on the owner's or occupant's land any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter on any undeveloped and unsurfaced private property in the City except when such parking is necessarily required while actually carrying out a lawful commercial purpose. In an action involving a violation of this paragraph, a notice or a citation need not be personally served upon the owner or operator of the vehicle but may be served by attaching a copy to the vehicle. The vehicle owner, the vehicle operator, the owner of the land, and the occupant of the land shall be jointly and severally liable for violation of this paragraph. (2568,2901)
- (M) No person shall attach any sign to any public utility structure, traffic control device, streetlight standard, or similar structure in the public right-of-way excepting those signs erected by a public utility or government agency. (2568)
- (N) All vacant or abandoned buildings shall be secured against unauthorized entry at all times. (2729)
- (O) No owner or occupant of a parcel of land within the City shall allow thereon weeds or grass which occupy more than fifty (50) contiguous square feet on a developed parcel to attain a predominant height in excess of nine inches (9"), or more than ten percent (10%) of the area of an undeveloped parcel to attain a predominant height in excess of twelve inches (12"). This provision shall not apply to single residence rear yards not visible from the adjacent right-of-way or to crops supporting bona fide livestock grazing where lawful. (2824,3388)

- (P) It shall be unlawful for any person to permit or cause the escape or flow of water into or upon a public street or alley from any source in such quantity as to cause flooding, to impede vehicular or pedestrian traffic, to create a hazardous condition to such traffic, to cause damage to the public streets or alleys, or to cause a condition which constitutes a public nuisance or a threat to the public health and safety. (3689, 4145)
- (Q) Deleted. (3689)
- (R) No person shall offer to sell, sell, or plant any male mulberry tree (*morus alba*) or olive tree (*olea europea*) in the City unless it is one of the nonpollinating varieties of such trees. The City shall maintain a current list of nonpollinating varieties, which shall be available for public review and shall be based on industry standard for nonpollinating varieties, applicable horticultural and scientific research and data, review and evaluation by qualified experts, and other appropriate information. (2945,3465,3689)
- (S) It shall be unlawful for any person to maintain or display any sign regulated under Section 19, Title 11 of this Code that is damaged or deteriorated to a condition constituting a visual blight. Visual blight shall include conditions detectable from beyond the lot boundaries such as chipping, peeling, fading, or rusting surfaces; the presence of cracks, holes, buckles, warps, or splinters in any sign component; and defective bulbs, fluorescent tubes, or neon or other inert gas light segments. (3307,3465,3689,4074)
- (T) It shall be unlawful to park any motor vehicle within the front or side yard of a single-residence use unless such parking is on an improved, dustproof parking surface. Parking within the front yard of a single-residence use shall be on or contiguous to a legal driveway provided such parking does not exceed a maximum of fifty percent (50%) of the front yard area. All motor vehicles parked in a front yard must have current license plates displayed. (3388,3465,3689)
- (U) It shall be unlawful to store any watercraft, utility trailer, or any nonvehicle-mounted camper shell or truck camper within the front yard of a residential use. On residential lots containing less than five (5) dwelling units, all watercraft, utility trailers, or any nonvehicle-mounted camper shells or truck campers stored in the side yard that exceed six feet (6') in height as measured from grade and are visible from a public street shall be screened from such street by a six-foot- (6'-) high opaque fence. No watercraft, utility trailer, or any nonvehicle-mounted camper shell or truck camper exceeding thirty feet (30') in length exclusive of tongue shall be stored in the side yard. (3689)
- (V) All persons owning or occupying improved property within the City shall maintain the yards and exposed exterior surfaces such as exterior windows, doors, canopies, metal awnings, roofs, exhaust ducts, chimneys, painted surfaces, window screening, fences, screen walls, retaining walls, foundations, cooling devices, outdoor stairs, porches and railings, as visible from the adjacent rights-of-way, in a structurally sound condition that does not constitute a hazard and is impervious to moisture and weather elements. Yards and exposed exterior surfaces as visible from the adjacent rights-of-way shall also be maintained so as to not exhibit deterioration, disrepair, or blight constituting more than twenty (20) contiguous square feet, or more than ten percent (10%) of the area of any exposed individual plane surface unbroken by corners of angles. (3478)

The provisions of this Section may be applied cumulatively or separately for purposes of enforcement. (2824)

## CHAPTER 16

### ON-SITE PARKING AND LOADING REGULATIONS (2397,2574,2658)

#### SECTION:

- 11-16-1: Purpose and Intent  
 11-16-2: General Regulations and Standards  
 11-16-3: On-Site Parking and Loading Requirements

#### 11-16-1: PURPOSE AND INTENT:

The purpose of the On-Site Parking and Loading Regulations is to provide standards for parking and loading facilities to accommodate the various land uses permitted by this Ordinance. It is the intent of this Chapter to require the minimum number of on-site parking and loading spaces with maneuvering areas, driveways, and surface materials for the efficient movement of vehicular traffic. (2658)

#### 11-16-2: GENERAL REGULATIONS AND STANDARDS:

- (A) The requirements of this Chapter shall apply to any building, structure, enlargement, or addition and to a change in use of land of an existing building or lot. The parking and loading requirements and standards of this Chapter shall be complied with for the entire building or use, except that off-street parking and loading requirements as specified in this Chapter may be modified pursuant to Mesa Town Center Area provisions. (2658)
- (B) All required parking and loading spaces and maneuvering areas shall be located on the lot upon which the use served is located, except that parking spaces may also be located upon a contiguous lot incorporated into the development site. (2658)
- (C) Parking spaces and maneuvering areas shall not be located within the required front yard in any Single Residence district or in any required yard or landscaped area in any other zoning district. (2658,4262)
- (D) The keeping or storage of any commercial vehicle having a gross vehicle weight rating (GVWR) exceeding thirteen thousand (13,000) pounds or having dual rear wheels exceeding seventeen inches (17") in diameter on any residential lot shall be deemed a commercial use and is prohibited. (2658)

(E) The following standards shall apply to required on-site parking and loading spaces, maneuvering areas, and access: (2658)

1. Required parking and loading spaces, maneuvering areas, and driveways shall be paved with asphalt, concrete, paving stone, or masonry to a sufficient thickness to withstand repeated vehicular traffic, except in Single Residence and Agricultural uses. (2658)
2. A required parking space shall be rectangular with a minimum width of nine feet (9') and a minimum length of eighteen feet (18') and shall have independent access from an aisle or driveway. (2658)
3. A required loading space shall be rectangular with a minimum width of ten feet (10') and a minimum length of thirty feet (30') and shall have independent access from a driveway or alley. (2658)

Designated loading spaces shall not encroach into any fire lane. (2658)

4. Required parking spaces shall be permanently marked and shall be accessible from a street or alley by a driveway or aisle such that all vehicles shall approach the street or alley in forward motion, except in Single Residence and Agricultural uses. (2658)
  5. Refer to Chapter 15 of this Title for additional parking design requirements. (4262)
- (F) Required stall and aisle design: (2658)

The following diagrams specify the required stall and aisle dimensions for the situations depicted. Alternate configurations may be authorized by the Planning Director or his authorized representative. (2658)

**TOWN OF PARADISE VALLEY**

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**RESOLUTION NUMBER 1150**

**A RESOLUTION OF THE MAYOR AND COUNCIL OF  
THE TOWN OF PARADISE VALLEY, ARIZONA, TO  
IMPLEMENT MEASURES IN THE MAG 2007 FIVE  
PERCENT PLAN FOR PM-10 FOR THE MARICOPA  
NONATTAINMENT AREA.**

16           WHEREAS, the Maricopa Association of Governments (MAG) has been designated  
17 by the Governor of Arizona, as the regional air quality planning agency in Maricopa County;  
18 and

19           WHEREAS, the Maricopa County nonattainment area is classified as a Serious Area  
20 for PM-10 particulate matter according to the Clean Air Act; and

21           WHEREAS the Five Percent Plan for PM-10 is required by the Clean Air Act since the  
22 Maricopa County nonattainment area failed to attain the PM-10 standard by December 31,  
23 2006; and

24           WHEREAS, the plan is required to reduce PM-10 emissions by five percent per year  
25 until the standard is met; and

26           WHEREAS, Arizona Revised Statutes 49-406G requires that each agency that commits  
27 to implement a control measure describe that commitment in a resolution adopted by the  
28 governing body which specifies its authority for implementing the measure as provided in  
29 statute, ordinance, or rule; a program for enforcement of the measures; and the level of  
30 personnel and funding allocated to the implementation of the measure.

1           NOW, THEREFORE, BE IT RESOLVED by the Town Council of the Town of  
2 Paradise Valley, Maricopa County, Arizona, as follows:

3

4 SECTION 1. That the Council of the Town of Paradise Valley agrees to proceed with a  
5 good faith effort to implement the measures identified in Exhibit A which is part of this  
6 resolution.

7

8 SECTION 2. That the Council of the Town of Paradise Valley commits to implement the  
9 measures as scheduled and with the funding sources identified. Recognizing, however, that  
10 the availability of necessary funding may depend on the funding programs or processes of  
11 various state and federal agencies, the Town agrees to consider modifications of the  
12 funding or schedules for implementation actions, if necessary.

13

14 PASSED AND ADOPTED by the Town Council of the Town of Paradise Valley, Arizona  
15 this 14<sup>th</sup> day of June 2007.

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ATTEST:

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Duncan Miller, Town Clerk

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APPROVED AS TO FORM

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Andrew M. Miller, Town Attorney

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Ed Winkler, Mayor

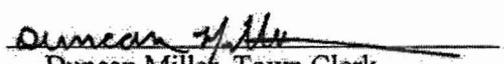
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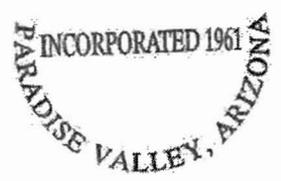
**CERTIFICATION**

I, Duncan Miller, Town Clerk hereby certify that the foregoing is a full, true and correct copy of Resolution Number 1150 duly and regularly passed and adopted by vote of the Town Council of Paradise Valley at a meeting thereof duly called and held on the 14<sup>th</sup> day of June 2007. That said Resolution appears in the minutes of said meeting, and that the same has not been rescinded or modified and is now in full force and effect.

I further certify that said municipal corporation is duly organized and existing, and has the power to take the action called for by the foregoing Resolution.

TOWN OF

  
Duncan Miller, Town Clerk



## EXHIBIT A

### MEASURE 1      MAG 2007 FIVE PERCENT PLAN FOR PM-10 PARTICULATE POLLUTION

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**Measure Title:** Public education and outreach

**Description:**

The Town commits to distributing informational brochures and bulletins produced by the Arizona Department of Environmental Quality and Maricopa County at quarterly meetings with the building and development community. Dust control and mitigation information will also be included in the Town's "Builders' Letter" mailed to contractors and developers operating in the Town, and included in the "Town Reporter" publication mailed to all residents. Paradise Valley Police Officers will also distribute informational brochures after business hours and on the weekends to those who appear to be in violation of PM-10 particulate pollution and/or those with questions about dust pollution.

**Responsible Agency and Authority for Implementation:**

The Town's Planning & Building Department will distribute materials to the building and development community through its "Builders Letter" and at Building Community Meetings. The Town Managers Office will coordinate the inclusion of dust control and air quality information in the "Town Reporter". The Chief of Police will coordinate the distribution of brochures by Police Officers.

**Implementation Schedule:**

Development Community Meetings are held quarterly by the Planning & Building Department. The "Builders' Letter" is also mailed on a quarterly basis. The "Town Reporter" is produced bi-annually. It is anticipated that there will be several opportunities to include information on dust control mitigation measures during 2008 and 2009.

**Level of Personnel and Funding Allocated for Implementation:**

Implementation of the measure will be conducted by current departmental personnel. Material and staffing costs will be absorbed by current departmental budgets in current and future fiscal years.

**Enforcement Program:**

The measure will be enforced at the direction of the Town Manager's Office and staffed and administered under the Planning & Building Department.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**MEASURE 22     MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

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**Measure Title:** Reduce off-road vehicle use in areas with high off-road vehicle activity

**Description:** The Town of Paradise Valley has no areas with high off-road vehicle activity. In conjunction with Measures 38 and 39, the Town commits to drafting and considering an ordinance requiring owners of vacant lots in excess of five acres to ditch and berm the perimeter of the property to prevent vehicular access. This measure would apply to approximately 30 properties.

The proposed ordinance would also require owners of vacant lots less than five acres to erect a fence or other barrier consistent with zoning regulations if more than one complaint is received about unauthorized vehicular access on the property.

**Responsible Agency and Authority for Implementation:** This measure will be implemented by the Town of Paradise Valley Planning and Building Department. Legal authority for this action is provided under A.R.S. § 9-240.

**Implementation Schedule:** The draft schedule for completing this work is as follows:

- September 28, 2007 – Draft ordinance completed
- October 25, 2007 – Town Council work session to receive briefing from staff, discuss, and provide feedback
- November 15, 2007 – Town Council considers ordinance for adoption
- January 1, 2008 – Ordinance implementation and enforcement

**Level of Personnel and Funding Allocated for Implementation:** Preparation of the draft ordinance and staff support leading to adoption will be accomplished by current department personnel under the adopted budget for FY 2008. Administration and implementation of the measure will be conducted by current departmental personnel and included as part of the departmental personnel budget for future fiscal years.

**Enforcement Program:** This measure will be enforced by ordinance. The enforcement function will be staffed and administered under the Planning & Building Department. The Paradise Valley Police Department will enforce the ordinance during non-business hours.

**Monitoring Program:** The Town will submit progress reports to State and/or County agencies upon request.

**Copy of Ordinance, Rule or Regulation:** A copy of the ordinance, if adopted, will be forwarded to the Maricopa Association of Government.

**MEASURE 29     MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

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**Measure Title:** Sweep streets with PM-10 certified street sweepers

**Description:**

Pursuant to Resolution Number 1084, adopted on September 23, 2004, the Town of Paradise Valley increased major and minor arterial street sweeping from once every 6 weeks to once every 2 weeks. The Town increased residential street sweeping from once every 12 weeks to once every 8 weeks. The Town conducts this program using 2 PM-10 certified street sweepers owned by the Town. The Town does not contract for additional street sweeping services.

The Town commits to drafting an administrative policy mandating the use of PM-10 certified street sweepers by all developers pursuant to a grading and drainage permit.

**Responsible Agency and Authority for Implementation:**

This measure will be implemented by the Town of Paradise Valley Planning and Building Department. Legal authority for this action is provided under A.R.S. § 9-240.

**Implementation Schedule:**

The draft schedule for completing this work is as follows:

- September 2007 – draft policy written
- October 2007 – draft policy shared with development community through “Builders Letter” and/or Development Community Meeting
- December 2007 – Demolition/Grading/Building Permits revised to require PM-10 Sweepers

**Level of Personnel and Funding Allocated for Implementation:**

Preparation of the draft policy will be accomplished by current department personnel under the adopted budget for FY 2008. Administration and implementation of the measure will be conducted by current departmental personnel and included as part of the departmental personnel budget for future fiscal years.

**Enforcement Program:**

The enforcement function will be staffed and administered under the Planning & Building Department.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**MEASURE 31    MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

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**Measure Title:** Pave or stabilize existing unpaved parking lots

**Description:**

There are approximately five unpaved commercial parking lots in Paradise Valley. An ordinance will be drafted and considered to require application of dustproofing to existing unpaved commercial parking lots within two years. Dustproofing options may include paving, gravel, or application of dust palliatives.

**Responsible Agency and Authority for Implementation:**

This measure will be implemented by the Town of Paradise Valley Planning & Building Department. Legal authority for this action is provided under A.R.S. § 9-240.

**Implementation Schedule:**

The schedule for completing this work is as follows:

- September 28, 2007 – Draft ordinance completed
- October 25, 2007 – Town Council work session to receive briefing from staff, discuss, and provide feedback
- November 15, 2007 – Town Council considers ordinance for adoption
- January 1, 2008 – Ordinance implementation and enforcement

**Level of Personnel and Funding Allocated for Implementation:**

Preparation of the draft ordinance and staff support leading to adoption will be accomplished by current department personnel under the adopted budget for FY 2008. Administration and implementation of the measure will be conducted by current departmental personnel and included as part of the departmental personnel budget for future fiscal years.

**Enforcement Program:**

The enforcement function will be staffed and administered under the Planning & Building Department.

**Monitoring Program:**

The Town will submit progress reports to State and/or County agencies upon request.

**Copy of Ordinance, Rule or Regulation:**

A copy of the ordinance, if adopted, will be forwarded to the Maricopa Association of Government.

**MEASURE 32    MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

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**Measure Title:** Pave or stabilize existing public dirt roads and alleys

**Description:** The Town of Paradise Valley does not have unpaved public dirt roads or unpaved public alleys which allow motor vehicle access.

**Responsible Agency and Authority for Implementation:**

N/A

**Implementation Schedule:**

N/A

**Level of Personnel and Funding Allocated for Implementation:**

N/A

**Enforcement Program:**

N/A

**Monitoring Program:**

N/A

**MEASURE 33    MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

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**Measure Title:** Limit speeds to 15 miles per hour on high traffic dirt roads

**Description:** The Town of Paradise Valley does not have unpaved public dirt roads.

**Responsible Agency and Authority for Implementation:**

N/A

**Implementation Schedule:**

N/A

**Level of Personnel and Funding Allocated for Implementation:**

N/A

**Enforcement Program:**

N/A

**Monitoring Program:**

N/A

**MEASURE 35    MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

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**Measure Title:** Pave or stabilize unpaved shoulders

**Description:**

All major and minor arterial streets in Paradise Valley have stabilized shoulders.

**Responsible Agency and Authority for Implementation:**

**Implementation Schedule:**

**Level of Personnel and Funding Allocated for Implementation:**

**Enforcement Program:**

**Monitoring Program:**

**MEASURE 38    MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

---

**Measure Title:** Restrict vehicular use and parking on vacant lots

**Description:** The Town commits to drafting and considering an ordinance requiring owners of vacant lots in excess of five acres to ditch and berm the perimeter of the property to prevent vehicular access. This would apply to approximately 30 properties.

The proposed ordinance would also require owners of vacant lots less than five acres to erect a fence or other barrier consistent with zoning regulations if more than one complaint is received about unauthorized vehicular access on the property.

**Responsible Agency and Authority for Implementation:** This measure will be implemented by the Town of Paradise Valley Planning and Building Department. Legal authority for this action is provided under A.R.S. § 9-240.

**Implementation Schedule:** The schedule for completing this work is as follows:

- September 28, 2007 – Draft ordinance completed
- October 25, 2007 – Town Council work session to receive briefing from staff, discuss, and provide feedback
- November 15, 2007 – Town Council considers ordinance for adoption
- January 1, 2008 – Ordinance implementation and enforcement

**Level of Personnel and Funding Allocated for Implementation:** Preparation of the draft ordinance and staff support leading to adoption will be accomplished by current department personnel under the adopted budget for FY 2008. Administration and implementation of the measure will be conducted by current departmental personnel and included as part of the departmental personnel budget for future fiscal years.

**Enforcement Program:** This measure will be enforced by ordinance. The enforcement function will be staffed and administered under the Planning & Building Department. The Paradise Valley Police Department will enforce the measure during non-business hours.

**Monitoring Program:** The Town will submit progress reports to State and/or County agencies upon request.

**Copy of Ordinance, Rule or Regulation:**

A copy of the ordinance, if passed, will be forwarded to the Maricopa Association of Government.

**MEASURE 39    MAG 2007 FIVE PERCENT PLAN FOR PM-10  
PARTICULATE POLLUTION**

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**Measure Title:** Enhanced enforcement of trespass ordinances and codes

**Description:** In coordination with measures 22 and 38, the Town of Paradise Valley commits to drafting and considering an ordinance requiring owners of vacant lots in excess of five acres to ditch and berm the perimeter of the property to prevent vehicular access. This would apply to approximately 30 properties.

The proposed ordinance would also require owners of vacant lots less than five acres to erect a fence or other barrier consistent with zoning regulations if more than one complaint is received about unauthorized vehicular access on the property.

The Town further commits to enhanced patrolling of vacant lots by the Police Department to enforce existing trespass ordinances and response to complaints of unauthorized parking on vacant lots.

**Responsible Agency and Authority for Implementation:** Enforcement of the trespass ordinance will be implemented by the Town of Paradise Valley Police Department. Legal authority for this action is provided under A.R.S. § 9-240 and Town Code §10-4-3.

**Implementation Schedule:** The draft schedule for completing this work is as follows:

- September 28, 2007 – Draft ordinance completed
- October 25, 2007 – Town Council work session to receive briefing from staff, discuss, and provide feedback
- November 15, 2007 – Town Council considers ordinance for adoption
- January 1, 2008 – Ordinance implementation and enforcement

Enhanced police patrolling of vacant lots will be implemented upon adoption of this Resolution.

**Level of Personnel and Funding Allocated for Implementation:** Administration and implementation of the measure will be conducted by current departmental personnel and included as part of the departmental personnel budget for future fiscal years.

**Enforcement Program:** This measure will be enforced by ordinance. The enforcement function will be staffed and administered under the Paradise Valley Police Department.

**Monitoring Program:** The Town will submit progress reports to State and/or County agencies upon request.